

Exhibit D

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 COLUMBIA DIVISION

4 - - - - -
5 THE SOUTH CAROLINA
6 STATE CONFERENCE OF
7 THE NAACP, et al.,

8 Plaintiffs,

9 Case No. 3:21-CV-03302-JMC-TJH-RMG

10 -against-

11 THOMAS C.
12 ALEXANDER, et al.,

13 Defendants.

14 - - - - -
15 April 13, 2022

16 10:31 a.m. (EST)

17 DEPOSITION of Wm. Weston J. Newton,
18 the Witness in the above-entitled action,
19 held at the above time and place, taken
20 before Garry J. Torres, a Stenographer and
21 Notary Public of the State of New York,
22 pursuant to the Federal Rules of Civil
23 Procedure, Notice and stipulations between
24 Counsel.

25 * * *

<p>1 APPEARANCES:</p> <p>2 AMERICAN CIVIL LIBERTIES UNION</p> <p>3 FOUNDATION Attorneys for the ACLU 4 915 15th St., NW Washington, DC 20005 5 TEL: (202) 457-0800 EMAIL: pyan@aclu.org 6 EMAIL: strivedi@aclu.org</p> <p>7 BY: PATRICIA YAN, ESQ. SOMIL B. TRIVEDI, ESQ.</p> <p>8</p> <p>9 NEXSEN PRUET LLC Attorney for Defendants HOUSE DEFENDANTS 10 104 South Main Street, Suite 900 Greenville, South Carolina 29601 11 TEL: Not provided EMAIL: amathias@nexsenpruet.com</p> <p>12</p> <p>13 BY: ANDREW MATHIAS, ESQ.</p> <p>14</p> <p>15 ROBINSON GRAY LLC Attorneys for Defendants SENATE PRESIDENT ALEXANDER AND SENATOR LUKE RANKIN 16 1310 Gadsden Street 17 Columbia, South Carolina 29201 18 TEL: (803) 231-7810 19 EMAIL: ltraywick@robinsongray.com</p> <p>20 BY: VORDMAN CARLISLE TRAYWICK III, ESQ.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 APPEARANCE CONTINUED ON NEXT PAGE</p>	Page 2	<p>1 STIPULATIONS</p> <p>2 IT IS HEREBY STIPULATED AND AGREED, by 3 and among counsel for the respective 4 parties hereto, that the filing, sealing 5 and certification of the within deposition 6 shall be and the same are hereby waived;</p> <p>7 IT IS FURTHER STIPULATED AND AGREED 8 that all objections, except as to form of 9 the question, shall be reserved to the 10 time of the trial;</p> <p>11 IT IS FURTHER STIPULATED AND AGREED 12 that the within deposition may be signed 13 before any Notary Public with the same 14 force and effect as if signed and sworn to 15 before the Court.</p> <p>16 * * *</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 I N D E X (cont'd)</p> <p>2</p> <p>3 BURR & FORMAN LLP Attorneys for Defendants 4 ELECTION DEFENDANTS 1221 Main Street, Suite 1800 5 Columbia, South Carolina 29201 TEL: Not provided 6 EMAIL: jtrinkley@burr.com</p> <p>7 BY: JANE W. TRINKLEY, ESQ.</p> <p>8</p> <p>9 AMERICAN CIVIL LIBERTIES UNION FOUNDATION 10 Attorneys for Unknown 125 Broad Street, 18th Floor 11 New York, New York 10004 TEL: (212) 549-2500</p> <p>12 BY: SAMANTHA OSAKI, ESQ.</p> <p>13</p> <p>14 ARNOLD & PORTER KAYE SCHOLER LLP Attorneys for Plaintiffs 601 Massachusetts Ave., N.W. 16 Washington, D.C. 20001 TEL: (202) 942-5000</p> <p>17 BY: JOHN M. HINDLEY, ESQ.</p> <p>18</p> <p>19 ALSO APPEARING:</p> <p>20 RICK ROZOS TOM DEVINE, VIDEOGRAPHER 21 * * *</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 3	<p>1 THE VIDEOGRAPHER: Good morning.</p> <p>2 We're going on the record at 3 10:32 a.m. on April 13, 2022.</p> <p>4 This is media unit one of the 5 video recorded deposition of William 6 Weston J. Newton taken by counsel for 7 the plaintiffs in the matter of the 8 South Carolina State Conference for 9 the NAACP -v- Thomas C. Alexander et 10 al. filed in the U.S. District Court 11 for the District of South Carolina 12 Columbia Division Civil Action Number 13 3:21-CV-03302-JMC-TJH-RMT.</p> <p>14 This deposition is being held 15 online as a Zoom videoconference with 16 all parties appearing remotely. My 17 name is Thomas Devine from Veritext 18 New York and I am the videographer. 19 The court reporter is Garry J. Torres 20 also with Veritext New York.</p> <p>21 I am not authorized to 22 administer an oath, I am not related 23 to any party in this action nor am I 24 financially interested in the outcome.</p> <p>25 Counsel appearing remotely will</p>

<p>1 now please state their appearances and 2 affiliations for record. If there are 3 any objections to proceeding please 4 state them at the time of your 5 appearance beginning with the noticing 6 attorney.</p> <p>7 After appearances have been 8 noted the court reporter will swear in 9 the witness and we may proceed.</p> <p>10 MS. YAN: Hello. My name is 11 Patricia Yan. I am an attorney with 12 the ACLU and I represent plaintiffs in 13 this case.</p> <p>14 MR. MATHIAS: My name is Andrew 15 Mathias. I'm an attorney with Nexsen 16普鲁特 and I represent the House 17 defendants.</p> <p>18 MS. TRINKLEY: This is Jane 19 Trinkley with Burr & Forman. I 20 represent the election defendants.</p> <p>21 MR. TRAYWICK: This is Lisle 22 Traywick of Robinson Gray Stepp & 23 Laffitte and I represent the Senate 24 defendants.</p> <p>25 MR. TRIVEDI: Somil Trivedi with</p>	Page 6	<p>1 A. Sure. William, W-I-I-L-L-I-A-M 2 (sic) Weston; W-E-S-T-O-N; Jones, 3 J-O-N-E-S; Newton, N-E-W-T-O-N.</p> <p>4 Q. Thank you. Representative 5 Newton, do you understand that you are 6 testifying under oath today?</p> <p>7 A. I do.</p> <p>8 Q. And do you understand that you 9 must testify truthfully and as completely 10 as possible as though we were before a 11 judge in a courtroom?</p> <p>12 A. I do.</p> <p>13 Q. Is there anything that might 14 prevent you from understanding my 15 questions or answering truthfully today?</p> <p>16 A. I don't believe so, no.</p> <p>17 Q. Are you taking any drugs or 18 medications that may affect your ability 19 to understand the questions --</p> <p>20 A. No.</p> <p>21 Q. -- I ask? Thank you. So 22 Representative Newton, I imagine you're 23 familiar with this, but I'll go over some 24 ground rules now.</p> <p>25 So in this deposition I will be</p>
<p>1 the ACLU for the plaintiff.</p> <p>2 MS. OSAKI: Samantha Osaki with 3 the ACLU for the plaintiff.</p> <p>4 MR. HINDLEY: John Hindley of 5 Arnold & Porter on behalf of the 6 plaintiffs.</p> <p>7 THE VIDEOGRAPHER: Okay. If all 8 attorneys have introduced themselves I 9 would ask the court reporter to please 10 swear in the witness.</p> <p>11 W M. W E S T O N J. N E W T O N , 12 having first been duly sworn by 13 Garry J. Torres, the Notary 14 Public, was examined and 15 testified as follows:</p> <p>16 MS. YAN: Thank you. Good 17 morning, Representative Newton and 18 thank you for being here. My name is 19 Patricia Yan. I'm an attorney with 20 the ACLU Voting Rights Project and I 21 represent plaintiffs in this case.</p> <p>22 EXAMINATION</p> <p>23 BY MS. YAN:</p> <p>24 Q. Can you please state and spell 25 your full name for the record?</p>	Page 7	<p>1 asking you some questions. My questions 2 and your answers will be recorded by the 3 videographer and the court reporter, 4 Mr. Torres; do you understand?</p> <p>5 A. I do.</p> <p>6 Q. And so you will speak up and 7 answer clearly so that the court reporter 8 can take down your responses. The court 9 reporter will not be able to record 10 non-verbal responses like a nod or a shake 11 of your head; do you understand?</p> <p>12 A. I do.</p> <p>13 Q. And as mentioned, the court 14 reporter will also have trouble if we talk 15 over each other so it's important that you 16 wait for me to finish my question entirely 17 before you begin answering even if you 18 think you may know what the rest of the 19 question will be. This is especially 20 important because we are conducting this 21 deposition remotely. There may be lag or 22 other tech issues. Does that work?</p> <p>23 A. It does.</p> <p>24 Q. And I will also do my best to 25 make sure that I give you a chance to</p>

<p>1 completely answer the questions that I ask 2 before asking another.</p> <p>3 So if I ask you any questions 4 that you don't understand please just ask 5 me for clarification and I can rephrase.</p> <p>6 If at any point you recall additional 7 information that is responsive to a 8 question that I previously asked you 9 please let me know and I will allow you to 10 clarify the record. Does that work?</p> <p>11 A. It does.</p> <p>12 Q. And if you would like to take a 13 break at any time please just let me know.</p> <p>14 The only thing I ask is that if there is a 15 pending question you will finish that 16 question or possibly that short line of 17 questions, but then we can take that 18 break. Does that work?</p> <p>19 A. It does.</p> <p>20 Q. Great. Similarly if you 21 experience any technical issues with the 22 audio or video during the deposition 23 please let us know and we can go off the 24 record and try to fix the issue. Does 25 that work?</p>	<p>Page 10</p> <p>1 understand that?</p> <p>2 A. I do.</p> <p>3 Q. And do you understand why you 4 are here today?</p> <p>5 A. I do.</p> <p>6 Q. Do you remember when you first 7 learned about this lawsuit?</p> <p>8 A. I do not. I mean sometime 9 obviously shortly after it was filed. So 10 it would have been -- you know, sometime 11 in January or February.</p> <p>12 Q. Okay. And do you know who the 13 defendants in this lawsuit are?</p> <p>14 A. You know, I'm not -- I don't 15 think I've seen a copy of the pleadings 16 action, but from the discussion a minute 17 ago I understand that Lucas, Jordan and 18 Murphy are the named defendants, but no.</p> <p>19 I have a general understanding of who the 20 plaintiffs and who the parties are, but I 21 couldn't rattle off to you who all the 22 parties involved in the lawsuit are.</p> <p>23 Q. Okay. So you mentioned you have 24 not seen the pleadings in this case --</p> <p>25 A. I hadn't focused on the caption</p>
<p>1 A. It does.</p> <p>2 Q. And throughout the deposition 3 you may also hear your attorney object to 4 a question from time to time. Some of 5 those objections may be made only for the 6 record so in those cases you would still 7 be required to answer the question unless 8 you are instructed not to. Do you 9 understand that?</p> <p>10 A. I do.</p> <p>11 Q. Okay. So in addition to your 12 attorney at Nexsen Pruet and without going 13 into any content of discussion, have you 14 sought legal advice from any attorneys 15 about this case?</p> <p>16 A. No. I mean obviously we 17 are -- there are some in-house attorneys 18 with the House of Representatives, Patrick 19 Dennis and Emma Dean, but as long as your 20 question involves and includes them as 21 well as the Nexsen Pruet lawyers, no.</p> <p>22 Q. Okay. Thank you. So now, 23 turning to this case, plaintiffs are 24 challenging the State House redistricting 25 maps under the U.S. Constitution, do you</p>	<p>Page 11</p> <p>1 of the case in any way.</p> <p>2 Q. Okay. But are you familiar with 3 the allegations of the case?</p> <p>4 A. Generally, yes, ma'am.</p> <p>5 Q. What do you understand them to 6 be?</p> <p>7 A. Ultimately that there's a 8 contingent that the process was flawed in 9 drawing the new lines based on the most 10 recent decennial census and as it relates 11 to the specific allegations of what 12 specifically was done and I haven't paid 13 that close attention to the pleadings.</p> <p>14 Q. Understood. And have 15 you -- again other than your attorneys 16 have you discussed this lawsuit with 17 anyone?</p> <p>18 A. No. My wife obviously knows I'm 19 being deposed today and people in the 20 office know I'm being deposed today so not 21 to bother me, but other than that, no.</p> <p>22 Q. No other legislators?</p> <p>23 A. You know, obviously members of 24 my delegation know that I'm being deposed 25 today just because of scheduling issues</p>

4 (Pages 10 - 13)

<p>1 relative to a delegation meeting, but 2 other than that, no.</p> <p>3 I think Representative Jordan 4 and I talked when we were in the State 5 House last week that we understood we were 6 being deposed this week, but beyond that, 7 no.</p> <p>8 Q. Understood. Thank you. So are 9 you familiar with the plaintiffs in this 10 case?</p> <p>11 A. Generally.</p> <p>12 Q. Do you -- so one of the 13 plaintiffs in this case is the South 14 Carolina State Conference of the NAACP. 15 Do you know Ms. Brenda Murphy, the 16 president of that NAACP branch?</p> <p>17 A. I don't know her personally, but 18 from recall she I believe appeared either 19 in person or virtually at some of our 20 public hearings.</p> <p>21 Q. So prior to this redistricting 22 cycle you had not met or interacted with 23 President Murphy?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Have you had interactions with</p>	Page 14	<p>1 that plaintiffs wished to depose you?</p> <p>2 A. No, I think I got a telephone 3 call from Mr. Moore to try to help 4 coordinate my schedule and to talk about 5 when that -- what my availability looked 6 like and then obviously he confirmed we 7 are going to do it today so I think that's 8 how I got it, not necessarily looking at 9 this piece of paper.</p> <p>10 Q. So for today's deposition where 11 are you physically located?</p> <p>12 A. In my law firm in Bluffton, 13 South Carolina.</p> <p>14 Q. Okay. I see that Mr. Mathias is 15 in the room with you. Is anyone else in 16 the room with you today?</p> <p>17 A. No, ma'am.</p> <p>18 Q. And did you bring any materials 19 with you today to the deposition?</p> <p>20 A. I did not.</p> <p>21 Q. And you don't have any documents 22 in front of you?</p> <p>23 A. No, ma'am. Other than what you 24 sent on this computer.</p> <p>25 Q. Sure. So to prepare for today's</p>	Page 16
<p>1 the South Carolina NAACP?</p> <p>2 A. You know, I'm sure that I have 3 in my tenure as a public official in some 4 shape or form, but I couldn't tell you 5 what and when those occasions might have 6 been or what they may have been related 7 to.</p> <p>8 Q. Okay. Thank you. So moving on 9 to today's deposition. How did you learn 10 about this?</p> <p>11 A. I think one of the attorneys at 12 Nexsen Pruet contacted me and told me that 13 the plaintiffs wanted to take my 14 deposition this week.</p> <p>15 Q. Okay. And I believe I have 16 entered an exhibit in Exhibit Share. If 17 you could pull that up and let me know if 18 you see it?</p> <p>19 A. Okay.</p> <p>20 Q. Do you see Exhibit 0001?</p> <p>21 A. I do.</p> <p>22 Q. Do you recognize this document?</p> <p>23 A. I mean it's the notice of my 24 deposition.</p> <p>25 Q. Yes. So is this how you learned</p>	Page 15	<p>1 deposition did you review any documents?</p> <p>2 A. No. I mean I had my notes from 3 the public hearings that were just my 4 shorthand notes on some legal pads. I 5 gave those to Andrew, but beyond that I 6 mean I didn't -- I didn't go through and 7 review any of them, but I mean obviously I 8 had to touch them and see them when I gave 9 them to him.</p> <p>10 Q. So did you speak or otherwise 11 communicate with anyone to prepare for 12 your deposition today?</p> <p>13 A. Just talked to my lawyers.</p> <p>14 Q. Could you tell us which lawyers?</p> <p>15 A. Andrew and Mr. Moore and --</p> <p>16 Q. And for the record, who -- could 17 you please say Mr. Moore's full name?</p> <p>18 A. Mark Moore.</p> <p>19 Q. Mark Moore?</p> <p>20 A. Yep. And let me think, somebody 21 else from Nexsen Pruet was on a Zoom call 22 for part of our discussion, Jennifer, I'm 23 not sure of her last name and there's 24 another gentleman who's one of the lawyers 25 with Mark at Nexsen Pruet, but his name</p>	Page 17

<p>1 escapes me at the moment.</p> <p>2 Q. And when did you speak with them</p> <p>3 to prepare for this deposition?</p> <p>4 A. Yesterday.</p> <p>5 Q. Just yesterday. Were there any</p> <p>6 other occasions?</p> <p>7 A. Other than the maybe a month ago</p> <p>8 Mark Moore and I had an initial brief</p> <p>9 discussion about that it would likely my</p> <p>10 deposition -- the plaintiffs would want to</p> <p>11 take my deposition.</p> <p>12 Q. So you mentioned that you had</p> <p>13 met yesterday. For approximately how long</p> <p>14 did you meet?</p> <p>15 A. Couple of hours. I mean it was</p> <p>16 on a Zoom call when Mr. Mathias was here</p> <p>17 in the office.</p> <p>18 Q. Was anyone else present other</p> <p>19 than yourself and the attorneys?</p> <p>20 A. No, ma'am.</p> <p>21 Q. So in preparing for this</p> <p>22 deposition did you communicate with anyone</p> <p>23 else besides your attorneys in this case?</p> <p>24 MR. TRAYWICK: Objection. Asked</p> <p>25 and answered.</p>	<p style="text-align: right;">Page 18</p> <p>1 case?</p> <p>2 A. It settled.</p> <p>3 Q. So you mentioned that you were a</p> <p>4 party. Have you ever been a party to any</p> <p>5 other lawsuit other than -- well, have you</p> <p>6 ever been a party to any other lawsuit?</p> <p>7 A. I'm comfortable that as chairman</p> <p>8 of County Counsel for ten years in Buford</p> <p>9 I was probably named in a number of</p> <p>10 lawsuits, but none that I can recall,</p> <p>11 nothing individually or nothing</p> <p>12 professionally other than the one case</p> <p>13 that I mentioned.</p> <p>14 Q. Okay. Have you ever testified</p> <p>15 in court whether in your personal or</p> <p>16 professional capacity?</p> <p>17 A. No.</p> <p>18 Q. Okay. Thank you. And to ask</p> <p>19 some background questions now, when were</p> <p>20 you born?</p> <p>21 A. 1967.</p> <p>22 Q. Could you provide your date of</p> <p>23 birth?</p> <p>24 A. February 22, 1967.</p> <p>25 Q. And what was your place of</p>
<p style="text-align: right;">Page 19</p> <p>1 THE VIDEOGRAPHER: The time is</p> <p>2 approximately 10:49 we're going off</p> <p>3 the record without objection.</p> <p>4 (Whereupon, an off-the-record</p> <p>5 discussion was held.)</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 approximately 10:55 -- make that</p> <p>8 10:56. We're back on the record.</p> <p>9 MS. YAN: Thank you.</p> <p>10 Q. So Representative Newton, have</p> <p>11 you ever been deposed before whether in</p> <p>12 your personal or professional capacity?</p> <p>13 A. I have.</p> <p>14 Q. How many times?</p> <p>15 A. In the subject of a deposition</p> <p>16 only once that I can recall.</p> <p>17 Q. What was the case in which you</p> <p>18 were deposed?</p> <p>19 A. It was a real estate dispute,</p> <p>20 malpractice issues.</p> <p>21 Q. And what was your role in the</p> <p>22 case?</p> <p>23 A. I was a party and a witness. My</p> <p>24 law firm was a party.</p> <p>25 Q. What was the resolution of the</p>	<p style="text-align: right;">Page 21</p> <p>1 birth?</p> <p>2 A. Greenville, South Carolina.</p> <p>3 Q. What is your current address?</p> <p>4 A. 83 Myrtle Island Road, Bluffton,</p> <p>5 South Carolina.</p> <p>6 Q. Are you currently registered to</p> <p>7 vote at that address?</p> <p>8 A. I am.</p> <p>9 Q. And so have you ever lived</p> <p>10 outside of your current city and if so</p> <p>11 where?</p> <p>12 A. Well, obviously I was born and</p> <p>13 raised in Greenville. I went to college</p> <p>14 in Lexington, Virginia obviously in law</p> <p>15 school, then I lived in Florence, South</p> <p>16 Carolina, then I lived in Charleston,</p> <p>17 South Carolina, but sort of temporarily I</p> <p>18 worked for a federal judge and split my</p> <p>19 time between the two cities, but had a</p> <p>20 house in one and apartment in the other</p> <p>21 and then Buford County since 1996.</p> <p>22 Q. Okay. So just briefly to go</p> <p>23 through the education. Where did you go</p> <p>24 to high school?</p> <p>25 A. JL Mann.</p>

<p>1 Q. And where did you go to college? 2 A. Washington and Lee. 3 Q. And when did you graduate? 4 A. Washington and Lee in 1989. 5 USC -- University of South Carolina Law 6 School 1993. 7 Q. Okay. So what did you study in 8 college? 9 A. History. 10 Q. You mentioned that you went to 11 law school. Did you go to any other 12 graduate schools? 13 A. Other than law school, no, 14 ma'am. 15 Q. So getting into what you did 16 after you graduated from law school and 17 your employment history what was your next 18 job or position? 19 A. I worked for Johnny Waller as a 20 law clerk in his town finishing up on the 21 trial bench and starting on the Supreme 22 Court in South Carolina. You want me to 23 keep going? 24 Q. Well, at that role did you work 25 on any cases relating to voting rights?</p>	Page 22	<p>1 Q. Just for the record, what is 2 that bank? 3 A. The Bank of Clarendon. 4 Q. Approximately how much of your 5 time is spent working at your law firm 6 versus as a State House Representative? 7 A. In the 40 hours a week or more 8 are devoted to the law firm. 9 Q. And as a representative? 10 A. It varies week to week. 11 Obviously during session we're there 12 Tuesday, Wednesday and Thursday. If we're 13 not in committee meetings or on the House 14 floor I'm back at my apartment doing law 15 firm work generally until 1 or 2 in the 16 morning. So -- you know, I don't know how 17 to break that down, January to June. 18 Probably 24 hours a week and then 19 throughout the rest of the year they're 20 either committee meetings that may take me 21 to Columbia or on constituent matters as 22 the needs arise. 23 Q. And Representative Newton, do 24 you have any email addresses? 25 A. I do, wnewton@jsplaw.net.</p>	Page 24
<p>1 A. None that I'm aware of, no. 2 Q. Anything related to racial 3 discrimination? 4 A. None that I'm aware of, no. 5 Q. Okay. Please continue to your 6 next position. 7 A. Then I worked with Judge Halk 8 (phonetic) in the federal district court 9 and then came here to work for this law 10 firm in 1996. 11 Q. And for the record, what is this 12 law firm? 13 A. Jones, Simpson & Newton. 14 Obviously in 1996 it was known by a 15 different name, but... 16 Q. And you are currently still 17 working at Jones, Simpson and Newton, 18 correct? 19 A. I am. 20 Q. Do you have any other current 21 jobs or positions? 22 A. I'm a member of the South 23 Carolina House of Representatives. No, I 24 mean I serve on a bank board, but that's 25 not a job unfortunately.</p>	Page 23	<p>1 Q. Thank you. And -- 2 A. Go ahead. 3 Q. Go ahead. 4 A. There's a State House address. 5 Q. And what is that? 6 A. I think it's -- I believe it's 7 westonnewton@sehouse.gov. 8 Q. And do you have any personal 9 email addresses? 10 A. I've got a campaign email 11 address that I think is maybe 12 westonnewton@hargray.com and an inactive 13 Gmail account at least nothing that I 14 check. I think I still have it, but I 15 don't think it's used. 16 Q. Okay. And have you ever used 17 any -- sorry. Which of those email 18 addresses do you use primarily for your 19 work as a legislator? 20 A. The State House email address is 21 used to receive and communicate with 22 involving House of Representatives 23 activities. 24 Q. Have you ever used any of the 25 other email addresses you listed to send</p>	Page 25

<p>1 or receive anything related to your work 2 as a legislator?</p> <p>3 A. The JSPLAW address is my primary 4 email address so I'm certain from time to 5 time I receive email addresses -- receive 6 email there or if I -- if I'm here and 7 send email out from my office computer it 8 would be from that address, but as a 9 matter of course I would defer people to 10 the State House address.</p> <p>11 Q. Understood and but for those 12 other addresses, the one that you do not 13 primarily use -- sorry. For the email 14 addresses other than the one that you do 15 not primarily use have you used that at 16 all during this round of redistricting?</p> <p>17 A. I'm not sure I understand your 18 question. I did and then it sounded like 19 there was a double negative in it. Just 20 so we're clear you can restate it or I'll 21 tell you what I think you asked me.</p> <p>22 Q. Sure. So for the jsplaw.net 23 email address or the campaign address have 24 you used that at all during this round of 25 redistricting?</p>	Page 26	<p>1 have a separate work phone?</p> <p>2 A. I do not.</p> <p>3 Q. You do not. So do you have a 4 personal phone?</p> <p>5 A. I do.</p> <p>6 Q. Have you ever used that personal 7 phone to discuss issues relating to your 8 work as a legislator?</p> <p>9 A. Of course.</p> <p>10 Q. And have you used that phone to 11 discuss redistricting?</p> <p>12 A. I would think, yes.</p> <p>13 Q. Okay. And Representative 14 Newton, do you -- I think you mentioned a 15 Facebook account. Do you have any other 16 social media accounts?</p> <p>17 A. Yes. I don't know that I can 18 tell you much more than that.</p> <p>19 Q. You don't know what they are?</p> <p>20 A. I think there's a Twitter 21 account that might be tied to Facebook 22 that I see pop up from time to time and I 23 think that's it.</p> <p>24 Q. So do you remember the account 25 names or handles?</p>	Page 28
<p>1 A. I don't believe so. The 2 campaign email address is tied to a 3 Facebook page I think is the one that 4 things -- if somebody sent me. I would 5 not have used that email address to send 6 anything else. I don't believe that my 7 JSP law email address was used to send 8 anything out with regard to redistricting. 9 So it would -- all communications would 10 have been through my State House address.</p> <p>11 Now, I mean there could have 12 been a scheduling email of where I'm going 13 to be relative to when we were trying to 14 put together a redistricting schedule, but 15 not -- no communications with regard to 16 redistricting itself.</p> <p>17 Q. Is it possible you may have 18 received emails relating to redistricting 19 at the JSP email address?</p> <p>20 A. I don't believe so, but -- you 21 know, I get a hundred-plus probably emails 22 a day so I'm -- there are few things that 23 I'm absolutely certain about. That's 24 probably one of them that I'm not.</p> <p>25 Q. So as an elected official do you</p>	Page 27	<p>1 A. I think there's something that's 2 at 120 or maybe it's at Weston Newton at 3 House District 120.</p> <p>4 Q. Okay. Thank you. So I am going 5 to -- well, actually, did you -- on your 6 personal cell phone did you receive any 7 texts relating to redistricting?</p> <p>8 A. Yes.</p> <p>9 Q. Have you used any other apps, 10 messaging apps and received messages 11 relating to redistricting?</p> <p>12 A. No. Not -- I don't -- I don't 13 know what other messaging apps necessarily 14 means, but I do text messages.</p> <p>15 Q. Okay. Understood. And who did 16 you receive messages from relating to 17 redistricting?</p> <p>18 A. Representative Jeff Bradley.</p> <p>19 Q. Anyone else?</p> <p>20 A. Chip Camp. Senator Camp and I 21 may have exchanged text messages, but I 22 believe that's it.</p> <p>23 Q. So no other staff at the House 24 of Representatives?</p> <p>25 A. I mean I -- there could have</p>	Page 29

<p>1 been a can you do a public hearing on X 2 day. That could have been done through 3 text, but I don't recall that.</p> <p>4 Q. Okay. Any messages with the map 5 drawers for the South Carolina State 6 House --</p> <p>7 A. No.</p> <p>8 Q. -- redistricting plan?</p> <p>9 A. No.</p> <p>10 Q. Okay. And have you turned over 11 those documents to your attorneys?</p> <p>12 A. I think I have. Yes, ma'am or 13 forwarded them.</p> <p>14 Q. Thank you. And I am now going 15 to enter another exhibit as Exhibit 2.</p> <p>16 Just one moment. Please let me know if 17 it's showing up for you.</p> <p>18 A. It is.</p> <p>19 Q. Okay. Do you recognize this 20 document?</p> <p>21 A. I do.</p> <p>22 Q. What is it?</p> <p>23 A. A subpoena.</p> <p>24 Q. And have you responded to the 25 subpoena?</p>	Page 30	<p>1 A. I am.</p> <p>2 Q. Have you always run for office 3 as a Republican?</p> <p>4 A. I have.</p> <p>5 Q. When you ran for Buford County 6 Counsel did you run opposed?</p> <p>7 A. I did.</p> <p>8 MR. MATHIAS: And for the record 9 it's Buford in North Carolina. It's 10 Buford in South Carolina.</p> <p>11 MS. YAN: I'm so sorry. Buford.</p> <p>12 Thank you.</p> <p>13 Q. So did you ever run against any 14 candidates who were people of color?</p> <p>15 A. No.</p> <p>16 Q. So why did you decide to run for 17 Buford County Counsel?</p> <p>18 A. One of my first employers told 19 me that as a lawyer educated at the 20 university the State's only law school at 21 the time and public school we had a 22 responsibility to offer our time in public 23 service. That's -- and I made that 24 decision in the late '90s and here I am 25 today.</p>	Page 32
<p>1 MR. MATHIAS: Objection.</p> <p>2 A. I haven't.</p> <p>3 Q. And so to clarify, you have not 4 produced any documents in response to this 5 subpoena?</p> <p>6 A. Well, I -- the lawyers would do 7 that, not me. So whether they've 8 done -- whether they have responded to the 9 subpoena or not I don't know, but I have 10 given my lawyers documents. I note that 11 the response date on it looks like it's 12 next -- later this week so I -- I don't 13 know whether the -- they've provided you 14 this material or not.</p> <p>15 Q. Okay. Thank you, Representative 16 Newton. So now, I'd like to talk about 17 your time on the Buford County Counsel.</p> <p>18 So were you elected to this 19 position?</p> <p>20 A. I was.</p> <p>21 Q. And when were you first elected?</p> <p>22 A. 1999.</p> <p>23 Q. Representative Newton, you're a 24 member of the Republican party; is that 25 correct?</p>	Page 31	<p>1 Q. So with the Buford County 2 Counsel did you serve for multiple terms?</p> <p>3 A. I served from 1999 to 2012.</p> <p>4 Q. So how many times did you run 5 for this office?</p> <p>6 A. '99 was a special election. I 7 would have been I guess either three or 8 four, they're four-year terms so whatever 9 that election cycle is I guess it was '99, 10 2004, '8 and then no, because I would have 11 been in the middle of a cycle and when I 12 resigned to run for the State House so 13 three -- I guess probably three times, 14 maybe four.</p> <p>15 Q. And did you always run opposed?</p> <p>16 A. No, I did not.</p> <p>17 Q. So what was your role in the 18 Buford County Counsel?</p> <p>19 A. I mean I had various committee 20 assignments, but from 2002 to 2012 I was 21 chairman.</p> <p>22 Q. And what types of work did you 23 do?</p> <p>24 A. I don't understand the question.</p> <p>25 As chairman or as a member of County</p>	Page 33

<p>1 Counsel?</p> <p>2 Q. I guess first as a member and</p> <p>3 then as chairman?</p> <p>4 A. Well, those decisions that are</p> <p>5 made by local government; zoning, ad</p> <p>6 valorem taxes, development codes, trash,</p> <p>7 you know, all the public infrastructure</p> <p>8 that's local; parks, recreation and as</p> <p>9 chairman -- you know, as the title</p> <p>10 describes I mean you're the shepherd so to</p> <p>11 speak and -- you know, you help move the</p> <p>12 body forward and run the meetings and that</p> <p>13 sort of thing.</p> <p>14 Q. So during your time in the</p> <p>15 Buford County Counsel did you have any</p> <p>16 experience with voting-related work?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And what was that?</p> <p>19 A. We went through redistricting of</p> <p>20 the 11 County Counsel districts twice</p> <p>21 while I was there.</p> <p>22 Q. What was your role there in that</p> <p>23 local redistricting?</p> <p>24 A. One time I was chairman of</p> <p>25 County Counsel when we went through it one</p>	Page 34	<p>1 requested one person speak at a time</p> <p>2 without interruption from anyone</p> <p>3 else.)</p> <p>4 Q. -- income, et cetera?</p> <p>5 A. Sure. So Buford County from</p> <p>6 1990 to 2000 doubled in population. From</p> <p>7 1990 -- I mean from 2000 to 2010 it almost</p> <p>8 doubled again. I think it was about</p> <p>9 38 percent the second time. The change in</p> <p>10 demographics during the period of time</p> <p>11 were -- was heavy with Caucasian folks</p> <p>12 moving into Buford County. Primarily</p> <p>13 that's retirees from elsewhere in the</p> <p>14 country. The growth in our African</p> <p>15 American minority population was not as</p> <p>16 significant. From 1990 to 2000 the</p> <p>17 Hispanic growth to the best of my recall</p> <p>18 was not significant. From 2000 to 2010</p> <p>19 and beyond obviously that growth has been</p> <p>20 fairly significant.</p> <p>21 In most of the charts that</p> <p>22 are -- and I've not seen one lately -- but</p> <p>23 the average income in Buford County was</p> <p>24 some of the highest in the State. The</p> <p>25 average weekly wage in Buford County was</p>	Page 36
<p>1 time. One time I don't know if I was</p> <p>2 chairman of the ad hoc committee or</p> <p>3 whether I just served on the ad hoc</p> <p>4 committee, but I was among a subset group</p> <p>5 of County Counsel persons that went</p> <p>6 through the redistricting activities for</p> <p>7 local government.</p> <p>8 Q. And did you hold public hearings</p> <p>9 for -- during the redistricting cycle?</p> <p>10 A. Absolutely.</p> <p>11 Q. So can you tell me,</p> <p>12 Representative Newton, a bit about the</p> <p>13 demographics of your constituents at that</p> <p>14 time for the Buford County Counsel?</p> <p>15 MR. MATHIAS: Objection to form.</p> <p>16 A. I probably need more detailed</p> <p>17 information. What -- are you looking for</p> <p>18 percentages, Are you just looking for</p> <p>19 general terms, the trends? Tell me what</p> <p>20 your question is.</p> <p>21 Q. Sure. Is there anything you can</p> <p>22 tell me about racial breakdown --</p> <p>23 (Whereupon, simultaneous</p> <p>24 conversation took place disrupting the</p> <p>25 record and the court reporter</p>	Page 35	<p>1 lower than the State average and I believe</p> <p>2 those statistics are -- continue to be</p> <p>3 accurate today.</p> <p>4 Q. Thank you, Representative</p> <p>5 Newton. So you mentioned that you had</p> <p>6 done redistricting work during your time</p> <p>7 on the Buford County Counsel. Any other</p> <p>8 voting-related work?</p> <p>9 A. Yes. Obviously the entire time</p> <p>10 I was on County Counsel if we did anything</p> <p>11 with regard to referendum questions we had</p> <p>12 to get those issues pre-cleared and so --</p> <p>13 you know, there were questions about</p> <p>14 adding different taxation, different</p> <p>15 balance lot initiates that would have been</p> <p>16 -- that would have gone through that</p> <p>17 process.</p> <p>18 Additionally, shortly after</p> <p>19 being elected to the House of</p> <p>20 Representatives in 2012 I'm also a member</p> <p>21 of the Jasper County delegation and the</p> <p>22 Jasper County delegation was sued because</p> <p>23 it had not redistrict -- there had been no</p> <p>24 redistricting activities with regard to</p> <p>25 the school board in perhaps two cycles.</p>	Page 37

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<p>1 So as a member of the delegation in Jasper 2 County we were sued and to force the 3 redistricting, which had not taken place 4 as it should have in the regular course of 5 a cycle.</p> <p>6 Q. Why did it not take place?</p> <p>7 A. I wasn't a member of the House 8 of Representatives. I couldn't tell you 9 that. I can speculate, but that's not 10 what we're here to do.</p> <p>11 Q. Do you know the resolution of 12 that case?</p> <p>13 A. Absolutely. The -- ultimately 14 there was a lawsuit filed. I believe that 15 the NAACP may have been involved. I don't 16 recall the parties, but we went to a 17 mediation. There were some differences 18 between the House and the Senate 19 approaches to redrawing the school 20 district lines and ultimately the court 21 redrew those lines.</p> <p>22 Q. Okay. Thank you. So now moving 23 to your time at the State House of 24 Representatives. Are you elected by 25 district?</p>	<p>Page 38</p> <p>1 always run opposed? 2 A. No. 3 Q. When have you not? 4 A. I'm not opposed in this cycle. 5 I was not opposed in '20. I was opposed 6 in '18. I was opposed in '12. 7 Q. Okay. And did you ever run 8 against any candidates who were people of 9 color? 10 A. No, ma'am. 11 Q. So again, I asked you about the 12 demographics of your district before. Can 13 you tell me a bit about the demographics 14 of your State House district? 15 A. It's not dissimilar from Buford 16 County that we talked about. This part of 17 South Carolina has experienced significant 18 growth of retirees and that growth 19 primarily is white and Caucasian. 20 Q. Thank you. And why did you 21 decide to run for the South Carolina State 22 House of Representatives? 23 A. I'd been on County Counsel for a 24 decade as chairman and it was -- I thought 25 it was time to go do something else. I</p>
<p>1 A. I am. 2 Q. Which district? 3 A. 120. 4 Q. And what counties were included 5 in your State House district prior to the 6 current redistricting cycle? 7 A. Buford and Jasper counties. 8 Q. Has that changed with the new 9 enacted map? 10 A. It has not. 11 Q. When you were first elected? 12 You may have mentioned this before, but 13 when were first elected to the State House 14 of Representatives? 15 A. 2012. 16 Q. Representative Newton, have you 17 served for multiple terms in the State 18 House? 19 A. I have. 20 Q. And how many times have you run 21 for this office? 22 A. So it's a two-year term. 23 Obviously '12, '14, '16, '18, '20 and now 24 I'm running for re-election in '22. 25 Q. And for the State House have you</p>	<p>Page 39</p> <p>1 had run for the Senate in 2007, ended up 2 in a runoff and lost the runoff and so I 3 then waited a handful of years and ran for 4 the House in '12. 5 Q. And who did you lose to in the 6 runoff? 7 A. Representative Catherine Sykes 8 who then obviously became Senator 9 Catherine Sykes. 10 Q. So what are your duties as a 11 State House Representative? 12 A. You know, consider legislation, 13 vote on that legislation, I'm not -- I 14 mean are you interested in my committee 15 assignments or did I answer your question? 16 Q. Sure. We will get to the 17 committee assignments shortly. I guess 18 before that have you been part of any 19 caucuses? 20 A. I'm a member obviously of the 21 Republican caucus. 22 Q. Any others? 23 A. The military caucus. I think 24 there's an outdoor caucus. I think that's 25 it.</p>

<p>1 Q. So now have you served on any 2 committees?</p> <p>3 A. Yes.</p> <p>4 Q. Which ones?</p> <p>5 A. The Judiciary Committee and the 6 legislative oversight.</p> <p>7 Q. So with the Legislative 8 Oversight Committee when did you join?</p> <p>9 A. I believe that was 2014. I am 10 the -- it was the year that the committee 11 was formed and I am the first chairman of 12 that committee and have served in that 13 role since the committee was formed.</p> <p>14 Q. So what are your 15 responsibilities as part of that committee 16 or what were?</p> <p>17 A. The statute that provides that 18 the function of oversight by the 19 legislature is to review of the state 20 agencies on a seven-year recurring cycle 21 and make recommendations as to whether the 22 agency and its program activity should be, 23 continued, curtailed or eliminated. It is 24 not a policy making committee. It's an 25 investigatory committee.</p>	Page 42	<p>1 A. No. I mean all of the oversight 2 committee's activities, hearings, 3 documents, material are all online on the 4 House Legislative Oversight Committee's 5 website. So, no, that's not -- I mean if 6 issues arose and the speaker asked us to 7 go find answers to those questions then 8 obviously we'd still have the ability to 9 go bring any of the State agencies in 10 front of the committee to ask questions 11 should we be directed to do so or should 12 the need arise.</p> <p>13 Q. And does the Legislative 14 Oversight Committee have a direct role in 15 the redistricting process?</p> <p>16 A. Has no role whatsoever.</p> <p>17 Q. So moving on to the Judiciary 18 Committee, when did you join that?</p> <p>18 A. 2000 -- when I first got 20 elected, January of 2000 -- November of 21 '12 is I guess is when we technically went 22 in, but I was assigned to the Judiciary 23 Committee when I first got to the State 24 House.</p> <p>25 Q. How many members are in the</p>	Page 44
<p>1 Q. So why did you join the 2 Legislative Oversight Committee?</p> <p>3 A. Because Speaker Lucas called me 4 in my second year there. The then speaker 5 had resigned and told me that by 6 reputation I was supposedly a bright 7 lawyer on the Judiciary Committee and he 8 wanted me to serve on oversight and wanted 9 me to be the chairman.</p> <p>10 Q. And does the Legislative 11 Oversight Committee have a role in voting 12 or electoral issues in South Carolina?</p> <p>13 A. Other than in terms of oversight 14 of the State agencies or purposes of an 15 agency study. So the election commission 16 has been through the oversight process and 17 through that questioning, yes.</p> <p>18 And in fact last year the 19 oversight committee was asked to 20 investigate or make inquiry as it relates 21 to the maintenance of voting rolls in 22 South Carolina and how dead people were 23 removed from those rolls.</p> <p>24 Q. And is that investigation still 25 ongoing?</p>	Page 43	<p>1 Judiciary Committee?</p> <p>2 A. I think 24 maybe.</p> <p>3 Q. And why did you join the 4 Judiciary Committee?</p> <p>5 A. I was -- that's the assignment I 6 got from the State.</p> <p>7 Q. So does the Judiciary Committee 8 have a role in the voting or electoral 9 process in South Carolina?</p> <p>10 A. Absolutely.</p> <p>11 Q. And could you tell me about 12 that?</p> <p>13 A. Obviously voting law changes 14 that procedurally move through the House 15 would typically be assigned to the 16 Judiciary Committee. I'm not chairman of 17 the subcommittee that deals with those 18 issues, but I am on obviously judiciary.</p> <p>19 With redistricting I was one of 20 a handful of people on the ad hoc 21 committee dealing with redistricting.</p> <p>22 Q. Thank you. And we will 23 certainly come back to the ad hoc 24 committee a little later, but first just 25 with the Judiciary Committee to better</p>	Page 45

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<p>1 understand this, the Judiciary Committee 2 has a chairman; is that correct? 3 A. It is. 4 Q. And who was or who is the 5 chairman? 6 A. Currently the chairman is Chris 7 Murphy. 8 Q. And how is the chairman of the 9 Judiciary Committee chosen? 10 A. By the members of the Judiciary 11 Committee. 12 Q. By an election? 13 A. Oh, yeah. I'm sorry. Yes. 14 Q. Does the Judiciary Committee 15 have a vice chairman? 16 A. It does. 17 Q. Any other leadership positions 18 within the committee? 19 A. There may be a first and a 20 second vice chairman and then there are 21 subcommittee chairmen. The committee 22 itself would elect its chairman and vice 23 chairman and the subcommittee chairmen are 24 appointed by the chairman. 25 Q. And who is the vice chairman?</p>	Page 46	<p>1 early -- there was an objection in January 2 of this year. We had a committee meeting, 3 the chairman was ill, did not make it to 4 the meeting. There's a provision of the 5 rules that provides essentially that in 6 the chairman's absence and under during 7 extraordinary times he can prescribe 8 different procedures and processes for the 9 committee IE, COVID activities. 10 I was asked to chair a meeting 11 by the letter of the chairman in January. 12 A member of the committee objected to 13 that. I recited the appropriate Rule 14 under which the authority of the chairman 15 identified his appointment of my service 16 in that capacity for that meeting and that 17 was it. There was no further pursuit of 18 the -- my ruling as acting chairman based 19 on our sitting chairman's designation of 20 extraordinary procedures in the face of 21 quite frankly a COVID exposure and 22 illness. 23 Q. Who was the representative who 24 objected? 25 A. John King, the vice chairman.</p>	Page 48
<p>1 A. John King and I think the second 2 vice chairman is Neil Collins. 3 Q. And does that House Judiciary 4 Committee have any procedural rules? 5 A. We do. 6 Q. Are these publicly available? 7 A. I'm sure. 8 Q. Are you able to provide a copy? 9 A. I mean I can go to the website 10 and pull them up. I don't have a copy, 11 but I'm sure we can find those. My belief 12 is they're probably published on the 13 committee's website. 14 Q. Do you know if these rules 15 describe the roles of the chairman and the 16 vice chairman? 17 A. I believe they do. 18 Q. So what happens if the -- these 19 rules of procedure are not followed? 20 MR. MATHIAS: Objection. 21 A. Good question. I mean obviously 22 someone could object to the activity that 23 would be taking place. The rules I 24 believe have a mechanism for that within 25 the rules and -- you know, it is I think</p>	Page 47	<p>1 Q. Did Representative King ever 2 file a formal complaint? 3 A. None that I'm aware of, no. 4 Q. Can you remember any other 5 instances where rules of procedure were -- 6 where someone objected that rules of 7 procedure were not followed? 8 A. None that I'm aware of, but let 9 me make sure I understand. Your question 10 is am I aware of any other instances of 11 objections that procedures were not 12 followed, is that correctly -- 13 Q. That's correct. 14 A. Yeah, the answer to that is, no. 15 Q. Well, regardless of whether 16 there was an objection can you remember 17 instances where the procedural rules were 18 not followed? 19 A. Well, your question assumes that 20 the procedural rules weren't followed when 21 I was asked to be chairman and according 22 to the chairman's -- to preside as 23 chairman of a meeting, his letter was 24 cited the Rule by which he was asking me 25 to serve in that capacity so I'm not sure</p>	Page 49

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<p>1 that I would agree that the committee's 2 rules were not being followed as that 3 designation was presented pursuant to the 4 rules.</p> <p>5 Q. Okay. And do you have the copy 6 of the letter designating you as acting 7 chairman?</p> <p>8 A. I do not. It's in the record of 9 the committee meeting as it was handed to 10 me when I walked into the room.</p> <p>11 Q. Are you able to provide that 12 letter?</p> <p>13 A. I'm not because I don't have a 14 copy, but I'm certain that the House 15 Judiciary Committee has and can.</p> <p>16 Q. Thank you. So now going to the 17 redistricting ad hoc committee. How does 18 this committee relate to the Judiciary 19 Committee?</p> <p>20 MR. MATHIAS: Objection.</p> <p>21 A. When you say relate I mean it 22 acts as a -- as one of the subcommittees 23 that makes a report back to the full 24 Judiciary Committee.</p> <p>25 Q. Okay. And when did you join the</p>	Page 50	Page 52
<p>1 redistricting ad hoc committee?</p> <p>2 A. I would have been assigned to 3 that committee sometime last spring I 4 guess.</p> <p>5 Q. You mentioned that you were 6 assigned. Did you express any interest in 7 joining?</p> <p>8 A. I mean I would have had to have 9 said I'm willing to do it, but I can't say 10 that I lobbied for the opportunity to do 11 so.</p> <p>12 Q. How many --</p> <p>13 A. -- discussion about whether I 14 was willing to serve on that committee or 15 not and I -- you know, obviously said of 16 course.</p> <p>17 Q. How many members are on the 18 redistricting ad hoc committee?</p> <p>19 A. It's either seven or nine I 20 think.</p> <p>21 Q. Can you name them?</p> <p>22 A. I mean I could if I brought it 23 up on the website, but I mean from memory 24 I think Neil Collins, Beth Bernstein, 25 Justin Bamberg (phonetic throughout), Jay</p>	Page 51	Page 53

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<p>1 lines, not as a group of committee 2 members, but as members of the committee 3 from various parts of the State.</p> <p>4 Q. Okay. Thank you. So you've 5 mentioned your work with the Judiciary 6 Committee and the redistricting ad hoc 7 committee. Do you have other issues that 8 you focused your legislative efforts 9 around?</p> <p>10 A. You know, probably the hallmark 11 of my time in public service is 12 transparency and accountability and that's 13 I think probably why I was identified for 14 to start the oversight committee in the 15 House and -- you know, those are things 16 that during my entire tenure in government 17 both local government and Columbia have 18 been basic tenants that I have advanced in 19 every way, shape and form that I can and 20 our oversight committee has received 21 national awards for our work that's 22 grounded in those areas.</p> <p>23 Q. Okay. Thank you. So I see that 24 we're getting close to noon and I'm kind 25 of at a stopping point. Would this be an</p>	<p style="text-align: right;">Page 54</p> <p>1 I'm worried the stenographer is taking 2 all of this down. All right. The 3 time is 11:49. We're going off the 4 record.</p> <p>5 (Whereupon, an off-the-record 6 discussion was held.)</p> <p>7 (Whereupon, a lunch break was 8 taken at 11:50 a.m.)</p> <p>9 THE VIDEOGRAPHER: The time is 10 approximately 12:46 p.m. We're back 11 on the record.</p> <p>12 Q. Representative Newton, did you 13 speak with your attorneys at all during 14 that break?</p> <p>15 A. I did.</p> <p>16 Q. Did you speak about any 17 substantive issues?</p> <p>18 A. Nothing to do with the case, no, 19 ma'am.</p> <p>20 Q. So I'd like to talk about the 21 map room. Representative Newton, are you 22 familiar with this term?</p> <p>23 A. I am.</p> <p>24 Q. And what is the map room?</p> <p>25 A. It was a conference room in the</p>
<p>1 okay time for a break, perhaps a lunch 2 break or do you have any preferences, 3 Representative Newton, on timing?</p> <p>4 A. Well, I'm giving an idea -- I 5 mean I -- I'm just looking for a window, 6 an idea of how much longer we're talking 7 about. Obviously since we're on furlough 8 this week it's also my time to earn a 9 living so I'm -- if we were -- if we 10 weren't doing this there would be no lunch 11 break. I would just work through it, but 12 I'm sure others may want so I'm okay 13 taking a quick 15-minute break and getting 14 right back to it. If y'all want to take a 15 longer break then I'm okay. I would hope 16 that we keep it to a minimum. Obviously 17 just in my private life I do have folks 18 that want and demand attention. So I'm 19 available for you to tell me what your 20 preference is.</p> <p>21 THE VIDEOGRAPHER: I suggest we 22 go off the record and talk about this.</p> <p>23 MS. YAN: Sure. Sorry about 24 that.</p> <p>25 THE VIDEOGRAPHER: That's okay.</p>	<p style="text-align: right;">Page 55</p> <p>1 block building that was established with 2 the computers and monitors and screens for 3 the redistricting process. House staff 4 was there, House counsel would be in there 5 and the demographers or the folks working 6 the machines with the maps. So it was 7 what it's name is. During the rest of the 8 time I think it's just a conference room 9 in the House. I mean I've never had any 10 meeting there, but I think it's just 11 another conference room in the House.</p> <p>12 Q. And did you ever refer to this 13 map room by any other names?</p> <p>14 A. No.</p> <p>15 Q. No nicknames?</p> <p>16 A. No.</p> <p>17 Q. So who was in charge of the map 18 room?</p> <p>19 MR. MATHIAS: Objection.</p> <p>20 A. I never asked the question, but 21 the Judiciary Committee was responsible 22 for -- in the ad hoc committee for 23 redistricting so it would have been House 24 counsel, Mr. Jordan and Mr. Murphy may 25 have had some formal assignment as</p>

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<p>1 to -- when you say who was in charge I 2 mean I -- you know, my first reaction 3 would be the House of Representatives. 4 Who was coordinating access to the rooms I 5 would have said Judiciary Committee staff 6 that may have been in concert with 7 Mr. Murphy and Mr. Jordan as chairman of 8 the redistricting ad hoc committee and 9 maybe the speaker had some involvement. I 10 don't know.</p> <p>11 Q. So you mentioned that staff and 12 counsel would be in or around the map 13 room. Who specifically are you referring 14 to for staff?</p> <p>15 A. The gentleman's name is Thomas, 16 but I can't tell you his last name.</p> <p>17 Q. Is it H-A-U-G-E-R? Does that 18 sound familiar?</p> <p>19 A. He wears glasses.</p> <p>20 Q. I'm not sure about that, but 21 okay.</p> <p>22 A. I don't know his last name, but 23 Ms. Dean obviously -- Emma Dean, lawyer to 24 the Judiciary Committee, Patrick Dennis, 25 lawyer to the House, the -- I think I</p>	Page 58	<p>1 not with me, but worked the monitors and 2 the computer programs relative to the map 3 drawing exercise.</p> <p>4 Q. Do you know any of their names?</p> <p>5 A. I don't. I don't. And quite 6 frankly it could have been a member of the 7 outside counsel's team. I just know I 8 watched somebody else working on a map on 9 a different terminal than when I was with 10 Thomas.</p> <p>11 Q. So you mentioned a terminal. 12 Are there multiple terminals?</p> <p>13 A. Well, a computer and a monitor, 14 yeah. There are a couple of them.</p> <p>15 Q. Did you have any formal rules or 16 procedures governing the use of this map 17 room?</p> <p>18 A. I think there were some formal 19 rules. I don't have them. I'm not sure 20 whether the ad hoc committee approved them 21 or they were just here are the rules 22 relative to the map room, but I mean -- 23 you know, it required -- you know, no cell 24 phones, the -- I mean there was a 25 scheduling methodology to it so you didn't</p>	Page 60
<p>1 probably saw one of the other Judiciary 2 Committee lawyers in there, Jimmy.</p> <p>3 Q. I'm sorry. Could you say 4 Jimmy's full name for the record?</p> <p>5 A. No. Only because I don't know 6 his last name. I mean I can look up on 7 the website, but there's Emma, Jimmy and 8 Roland are three of the lawyers on the 9 Judiciary Committee and I can't tell you 10 his last name unfortunately.</p> <p>11 And then Mark Moore or one or 12 more of the outside counsel may have been 13 in there. You know, I was in there I 14 think three or four occasions. I'm sure 15 there was another House staff demographer 16 in there because Thomas wasn't the only 17 one working the monitors, but I never 18 worked with anybody but him so I don't 19 know who that other person was.</p> <p>20 Q. So there were other 21 demographers?</p> <p>22 A. I mean demographer may be the 23 wrong title. There was somebody else, 24 some other staff member than just Thomas 25 who was capable of working and I believe</p>	Page 59	<p>1 just have 124 people show up all at one 2 time and overwhelm what was going on and 3 if you weren't signed up for a time slot 4 you couldn't come. So you couldn't just 5 show up.</p> <p>6 Q. Okay. Could you tell me more 7 about that scheduling or sign-up process?</p> <p>8 A. You know, as a member of the ad 9 hoc committee -- so there were two 10 different methods I guess or two different 11 pathways.</p> <p>12 One, every member of the House 13 was provided the opportunity to pick a 14 time slot or slots and come spend time in 15 the map room looking at the -- their 16 representative district, existing lines 17 with the new decennial census information 18 provided in that and working to see what 19 modifications to that based on the 20 computer programs looked like. That was 21 as individual members of the House and I 22 availed myself of that perhaps one or 23 maybe two times, but also as a member of 24 that ad hoc committee there were members 25 of the ad hoc committee that came in</p>	Page 61

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<p>1 groupings. So for instance when I was 2 there I was there with Representative 3 Bamberg, my district in this part of South 4 Carolina I got the ocean on one side and 5 I've got the Georgia line on the other so 6 obviously much of anything that happens in 7 this part of the State has a cascading 8 effect up into the area of the State that 9 Representative Bamberg is from and so 10 Representative Bamberg and I were there on 11 a couple of occasions together as members 12 of the ad hoc committee.</p> <p>13 Q. So there are different rules for 14 members of the ad hoc committee by which 15 you can -- multiple members of the ad hoc 16 committee can be in the map room at the 17 same time, is that --</p> <p>18 A. Well, I mean I think they're 19 all -- yes and no. I think the only 20 difference was as members of the ad hoc 21 committee -- as an individual member of 22 the House I was there looking at my 23 individual district and I was there with 24 Representative Herbkersman on at least one 25 occasion. Representative Herbkersman's</p>	Page 62	<p>1 know, from sort of the I-95 corridor down 2 to the ocean and to the Georgia line. 3 Q. So in your experience was it 4 common for non-ad hoc committee members to 5 be in the map room with other 6 representatives at the same time?</p> <p>7 A. Well, my experience obviously I 8 was in there with Herbkersman. I think 9 Mr. Jordan may have been in there. I 10 don't know if it was when I was with 11 Herbkersman or when Bamberg and I were in 12 there.</p> <p>13 I'm aware that some groups came 14 in as a delegation. I think the 15 Greenville folks perhaps came in at that. 16 I know at one point when I was leaving the 17 I think the Greenville delegation was 18 coming in behind me.</p> <p>19 My Buford delegation never met 20 as a whole in the map room, but I believe 21 that Erickson and Bradley may have been in 22 there together, but I don't know that. I 23 know that all of us, Rivers, Williams, 24 Herbkersman, me, Bradley and Erickson we 25 didn't all go in there collectively as a</p>
<p>1 district backs up to mine so we were not 2 there as a Buford delegation, but we were 3 there as two members whose districts 4 touched each other to look at the issues 5 of population growth and what changing 6 lines looked like as between our two 7 districts again, constrained with ocean 8 and Georgia line. So we had a time slot 9 that we signed up for.</p> <p>10 Members of the ad hoc committee 11 also had time slots. I don't know whether 12 we signed up for them or we were told this 13 is the time for you and Bamberg to be up 14 there, but in our review was not just his 15 single district and my single district, it 16 was also what other representatives may 17 have suggested, looked at, offered input 18 as to how those districts might look sort 19 of like a mosaic. I mean we weren't just 20 looking at our individual districts or in 21 the case of Representative Herbkersman and 22 I looking at just what our two districts 23 looked like. We were as members of the ad 24 hoc committee looking at a portion of the 25 State sort of his area and my area -- you</p>	Page 63	<p>1 delegation, but I believe that some did. 2 Q. When you refer to a delegation, 3 does that tend to be a regional delegation 4 of neighboring districts?</p> <p>5 A. It does. I mean when I say the 6 word "Buford delegation" or "Buford" or 7 "Jasper delegation" it's those members of 8 the House that represent some portion of 9 that county so we have delegation 10 meetings. In fact, I think earlier in the 11 day I referred to we had a delegation 12 meeting Monday and I mentioned to my House 13 colleagues that I was being deposed later 14 in the week. That was a Buford delegation 15 meeting.</p> <p>16 Q. And back to the sign-up process, 17 was that just a first-come-first-serve 18 process?</p> <p>19 A. I don't think so. Yes, ma'am. 20 I don't know of anybody who -- I never 21 received any complaints from anybody that 22 they couldn't get in. It was open to 23 everybody to sign up to avail themselves 24 and it was open for a number of weeks. I 25 couldn't tell you how many and I couldn't</p>

<p>1 tell you how many weeks, but it was my -- 2 you know, I never heard anybody that 3 didn't have the opportunity to get in 4 there. 5 Q. Do you know who arranged the 6 sign-up process? 7 A. I don't. I have some level of 8 recall that it would have been a 9 notification by the Judiciary Committee 10 that the map room was open and for people 11 to come -- pick a time slot and come sign 12 up and start -- you know, looking at the 13 district lines with the new census 14 information. 15 Q. Thank you. So you mentioned 16 that delegates or representatives could go 17 into the map room as the delegation or 18 just alone; is that correct? 19 A. Yes. 20 Q. And when a representative goes 21 into the map room alone what would you do? 22 A. Sit at the terminal with Thomas 23 in my case. He would show me my -- it's 24 not mine. He would show me the lines for 25 district 120 and then show me what the</p>	<p>Page 66</p> <p>1 Representative Bamberg and I were in there 2 sort of at the same time on a regional 3 basis taking a look, but when I was 4 looking at district 120, I apologize, 5 that's an accurate description, none of us 6 own those districts, but -- you know, 7 obviously with water and the Georgia line 8 as some of our restrictions in this part 9 of the world I was aware of what changes 10 in my district might be doing to the 11 others around me. 12 Q. So did other legislators who 13 were not ad hoc committee members have 14 access to other district information? 15 A. The same way, yes. You know, 16 obviously if you're in there looking at 17 the map and understanding what your border 18 or a respective district line border 19 looked like and you made that change 20 it -- I would push into that district. I 21 didn't explore what limits might have been 22 on other House members beyond my 23 individual experience. 24 I mean for instance -- you know, 25 I wasn't particularly interested in what</p>
<p>1 population numbers were, the new census 2 data for that district and then we would 3 look at that and understand what the ideal 4 size district is and then begin to start 5 adjusting that line based on census blocks 6 to bring that district in to compliance 7 with the population numbers. 8 Q. But would you only have access 9 to a single district? 10 A. Well, as a member of the ad hoc 11 committee obviously I had access to all of 12 the other areas, but the only district 13 when I went in as a -- to look at district 14 120 was my district. 15 Now, as I mentioned and -- you 16 know, obviously it's like a puzzle or a 17 balloon or a mosaic. I mean when you push 18 one boundary or restrict one boundary it 19 has a cascading effect on the ones that it 20 borders. 21 So obviously I saw what was 22 happening to those other districts. I 23 didn't necessarily go into those districts 24 to start seeing how they needed to be 25 modified, keep working up until</p>	<p>Page 67</p> <p>1 was happening in the Greenville or Rock 2 Hill areas -- you know, my timing there as 3 an individual was what was happening to 4 the low country and then the low country 5 as it connected up the I-95 corridor. 6 Q. So for district 120 did you draw 7 proposed maps for that district? 8 A. Yes. 9 Q. And how many maps -- if you 10 remember, how many maps did you propose? 11 A. Just one. 12 Q. And did you view -- well, I'll 13 take that back. 14 So in the map room what kinds of 15 resources were there? You mentioned these 16 terminals and the software, but could you 17 explain a little more? 18 A. Yeah. I don't know the name of 19 the software. When I did this on County 20 Counsel I probably had a better 21 familiarity with the brand of software 22 that was being run, but -- you know, 23 obviously the computer program shows you 24 when you move and modify to follow the 25 census blocks, then there's a chart that</p>

<p>1 shows all of the population within that 2 area, the percentages of voting age, 3 race -- you know, all the demographic 4 information from the census as to what's 5 inside the boundaries as those boundaries 6 are being adjusted.</p> <p>7 Q. When you discussed the rules for 8 the map room you mentioned I believe that 9 you could not bring phones in; is that 10 correct?</p> <p>11 A. Yeah.</p> <p>12 Q. Would someone take your phone?</p> <p>13 A. No. I don't know that anybody 14 would have taken it from me. They may 15 have, but I didn't push the envelope.</p> <p>16 Q. So Representative Newton, 17 when -- do you remember when the map room 18 opened for use?</p> <p>19 A. I do not. I mean I know it was 20 with great anticipation that we waited on 21 the numbers to come from the census folks 22 and I remember being told that will be the 23 map room, but I -- in terms of timing I 24 don't know that I could identify when that 25 happened. I mean obviously it was</p>	Page 70	<p>1 when we were focussed on district -- his 2 number and mine 120 and then on two 3 occasions with Representative Bamberg. I 4 just don't know whether any of those 5 overlapped or not so it's between three 6 and four.</p> <p>7 Q. Thank you. So who else was 8 allowed to access the map room?</p> <p>9 A. Every member of the House, the 10 lawyers, judiciary staff that was working 11 on it. Beyond that I wouldn't think 12 anybody. Of course I wasn't there, but I 13 mean obviously the people who had to hook 14 up the computers and do all that. I 15 suspect that's the IT folks, but the only 16 people that were in there when I was there 17 were either lawyers or House staff.</p> <p>18 Q. And do you know if staff does 19 that include interns?</p> <p>20 A. I wouldn't think that -- I never 21 recall seeing any intern in there and I 22 would have been surprised if they were. 23 During my visits I don't believe there 24 were any interns. I believe everybody was 25 lawyers or staff.</p>	Page 72
<p>1 sometime last fall.</p> <p>2 Q. So do you have a sense of when 3 you first visited the map room in your 4 capacity as an individual legislator?</p> <p>5 A. Probably September or October.</p> <p>6 Q. And you mentioned that you only 7 went in -- well, how many times?</p> <p>8 Approximately how many times?</p> <p>9 A. Either three or four. So I 10 think I was there once by myself, Bamberg 11 and I may have been there at the same time 12 so I may have done dual duty.</p> <p>13 Representative Herbkersman and I, I know 14 were there at the same time because either 15 he rode up with me or I caught a ride with 16 him afterwards and met my wife and we went 17 up to the mountains so I remember that 18 time and Representative Bamberg were 19 either there then or he and I had a time 20 as members of the ad hoc committee that 21 was separate from that.</p> <p>22 So I have a recall of being 23 there one time without Mr. Herbkersman 24 again focussed on district 120, I have a 25 recall of being there with Herbkersman</p>	Page 71	<p>1 Q. Were any other third parties 2 allowed access to the map room?</p> <p>3 A. Not that I'm aware of and they 4 weren't there when I was there.</p> <p>5 Q. So anyone, legislator, staffers, 6 attorneys, would there be records of all 7 these people going into the map room?</p> <p>8 A. I wasn't in charge of that, but 9 I -- you know, there was obviously a 10 sign-up process to identify and pick time 11 slots. I know when they were doing that. 12 I think there may have been some sign-in 13 sheets of some kind. You know, I want to 14 say I have some vague recall about -- as 15 individuals we had to sign in. If you're 16 on the ad hoc committee you were assigned 17 a time so it was different than signing 18 in, but I wasn't in charge of any of that 19 and never had the occasion to run that 20 down in detail other than that I knew 21 access was regulated and organized.</p> <p>22 Q. So I'm going to ask about a few 23 specific people now. First, do you know 24 who Thomas Hauger is, H-A-U-G-E-R?</p> <p>25 A. I believe that's the -- or the</p>	Page 73

<p>1 label I would give him would be 2 demographer. I think that's -- I think 3 we're talking about the same person. 4 I'm -- if you had a picture of him I could 5 tell you for certain. He's a House staff 6 person who operated the terminal, knew how 7 to work the program in adjusting the maps. 8 I'm just not certain if that's his last 9 name, but I think it is.</p> <p>10 Q. Okay. Did Mr. Hauger have any 11 roles in the map room?</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. Did you ever communicate with 14 Thomas by email or by phone?</p> <p>15 A. I did not.</p> <p>16 Q. Do you know who Sarah Grace 17 Williamson is?</p> <p>18 A. No. I do not.</p> <p>19 Q. Do you know who Joleigh Eliza 20 Deguit is and I can spell that, 21 J-O-L-E-I-G-H, Eliza and then D-E-G-U-I-T?</p> <p>22 A. I do not.</p> <p>23 Q. Do you know who Megan Goyak is, 24 G-O-Y-A-K?</p> <p>25 A. I do not. Trick question coming</p>	<p>Page 74</p> <p>1 have access.</p> <p>2 Q. Okay. So I'm going to mark 3 another exhibit now. Just give me a 4 moment. Just to let you know, this will 5 be the -- well, I'll just do it now. One 6 moment.</p> <p>7 (Pause in proceedings)</p> <p>8 MS. YAN: And apologies. If you 9 could bear with me a moment. I'm 10 having a tech issue. Okay. I believe 11 an exhibit should have been just 12 introduced.</p> <p>13 Q. Do you see it?</p> <p>14 A. I do.</p> <p>15 Q. Do you recognize this document?</p> <p>16 A. I do. That's the -- without 17 taking time to read the whole thing it 18 appears to be the criteria that the ad hoc 19 committee adopted for purposes of the 20 redistricting exercise.</p> <p>21 Q. And it says at the top that it 22 was adopted 8/3/2021. Does that sound 23 correct that it would have been adopted on 24 August 3, 2021?</p> <p>25 A. Yes. I believe that's correct.</p>
<p>1 that I should and I'm ignorant for not, 2 but unfortunately I don't.</p> <p>3 Q. Do you know who Daniel Ingle 4 is? That's I-N-G-L-E-Y.</p> <p>5 A. I do not.</p> <p>6 Q. Okay. And do you know who 7 Sebastian Bass is?</p> <p>8 A. I do not. Are you going to tell 9 me all these people work in the House and 10 I'm ignorant for not knowing them?</p> <p>11 Q. I'm trying to learn more about 12 them.</p> <p>13 A. Okay.</p> <p>14 Q. Thank you. So for the maps, the 15 proposed maps that individual legislators 16 drew who -- do you know who collected 17 these or how they were collected?</p> <p>18 A. I assume they would have been 19 stored on the computer.</p> <p>20 Q. Okay. So just to clarify, the 21 outside parties like the governor and the 22 governor's office, they did not have 23 access to the map room?</p> <p>24 A. Not while I was there and that 25 would have been news to me if they did</p>	<p>Page 75</p> <p>1 Q. So Representative Newton, is 2 this what you relied upon or you and the 3 redistricting committee relied upon for 4 developing proposed maps?</p> <p>5 A. It is. Essentially it was our 6 criteria or guidelines.</p> <p>7 Q. Are there any other documents or 8 guidelines outside of these that the 9 redistricting committee relied upon?</p> <p>10 A. No. Not that I'm aware of. Not 11 that I relied on.</p> <p>12 Q. Understood. So if I could 13 direct you to Roman Numeral II federal law 14 and a few sentences down it starts to say, 15 the dilution of racial or ethnic minority 16 voting strength is contrary to the laws of 17 the United States and of the State of 18 South Carolina and also is against the 19 public policy of this state. Is that 20 correct?</p> <p>21 A. Yes, ma'am. That's what it 22 says.</p> <p>23 Q. So can you read aloud the next 24 sentence after that?</p> <p>25 A. Any proposed redistricting plan</p>

<p>1 that has demonstrated to have the intent 2 or effect of dispersing or concentrating 3 minority population in a manner that 4 prevents minorities from electing the 5 candidates of their choice will neither be 6 accepted nor approved.</p> <p>7 Q. Thank you. Did you ever receive 8 any public testimony that your proposed 9 redistricting plan would have the effect 10 of preventing minorities from electing 11 their candidates of choice?</p> <p>12 A. I'm certain that there were 13 input from people that didn't like various 14 pieces or parts of the proposed plans, 15 yes. But -- you know, we talked about the 16 growth earlier. The terminology I first 17 learned when I was on County Counsel is 18 the difference of retrogression, natural 19 retrogression or intentional 20 retrogression. So I mean there were 21 obviously folks that didn't like various 22 maps or portions of the state for a host 23 of reasons and certainly there were some 24 that would make these suggestions.</p> <p>25 Q. And to be clear, these</p>	Page 78	<p>1 Q. Yes, please. 2 A. In every case efforts should be 3 made to limit the overall range of 4 deviation from the ideal population to 5 less than five percent or a relative 6 deviation in excess of plus or minus two 7 and a half percent for each House 8 district.</p> <p>9 Nevertheless any overall 10 deviation greater than five percent from 11 equality or population among South 12 Carolina House districts shall be 13 justified when it is the result of 14 geographic limitations, the promotion of a 15 constitutionally permissible State policy 16 or to otherwise comply with the criteria 17 identified in these guidelines.</p> <p>18 Q. Thank you. So why was this 19 population deviation standard chosen?</p> <p>20 A. Well --</p> <p>21 MR. MATHIAS: Objection. Go 22 ahead.</p> <p>23 A. Obviously the ideal number 24 mathematically is 41,278. The 25 constitutional principle of one man, one</p>	Page 80
<p>1 suggestions what are you referring to?</p> <p>2 A. Well, what you just had me read 3 that people would contend that the maps 4 had the effect of dispersing or 5 concentrating minority population in a 6 manner that prevents minorities from 7 electing the candidates of their choice 8 and were there people that said that in 9 the process that is what we were doing, 10 yes, there were.</p> <p>11 Q. Thank you. And I'll direct you 12 now to Roman Numeral IV equal population, 13 slash, deviation, do you see that?</p> <p>14 A. I do. Yes, ma'am.</p> <p>15 Q. And then section C below that if 16 you could take a moment to look at that 17 and read that to yourself. If you see a 18 portion that begins, efforts should be 19 made to limit the overall range of 20 deviation, do you see that?</p> <p>21 A. I do.</p> <p>22 Q. Could you please read beginning 23 there for the record?</p> <p>24 A. Efforts through the end of the 25 provision?</p>	Page 79	<p>1 vote means that we would ultimately have 2 districts of 41,278.</p> <p>3 So in recognizing those 4 parameters we were establishing a five 5 percent deviation or two and a half up, 6 two and a half down number which was in 7 the last reapportionment redistricting 8 process in South Carolina and a number 9 determined to be appropriate in this 10 year's process as well.</p> <p>11 Q. Did you receive any criticism 12 regarding this choice of population 13 deviation?</p> <p>14 A. We did.</p> <p>15 Q. And what did you understand were 16 the concerns?</p> <p>17 A. There were some people that 18 thought we ought to go to ten percent. 19 I'm sure there were some that probably 20 thought we should go higher than that.</p> <p>21 Q. Did anyone ever ask to go higher 22 than ten percent?</p> <p>23 A. I can't recall specifically that 24 the ad hoc committee did deal with a 25 motion after having adopted this criteria</p>	Page 81

<p>1 to go to ten percent, but that motion was 2 not successful and we did not do so. 3 Q. So for the concerns motivating 4 this motion to go to ten percent do you 5 remember any references to effects on 6 minority communities? 7 A. Not specifically. I'm sure 8 there probably were. I mean what I recall 9 is the suggestion that it had an impact on 10 rural areas of the county more so than 11 others, but I don't have necessarily 12 specific recall that it had a different 13 effect on just minorities and I would tell 14 you that I think all of comments were 15 probably anecdotal. I'm not sure that 16 anybody had any hard fast information at 17 the point in time certainly when we were 18 talking about the criteria adopting it or 19 at the time that we were -- that we 20 entertained the motion to do so. 21 As one of the members of the 22 committee -- you know, again the ideal 23 population being 41,278 and the 24 constitutional principle of one man, one 25 vote you're getting farther and farther </p>	Page 82	<p>1 restricted to the internet so while those 2 comments were not lost on me the ideal 3 population again one man, one vote is 4 41,278 so we were trying to set a number 5 that allowed flexibility and deviation 6 within those parameters and within a 7 parameter of district lines that had been 8 challenged in the court and had gone 9 through pre-clearance in the last 10 redistricting effort in South Carolina and 11 had been acknowledged as not being 12 inappropriate in that exercise. 13 Q. So I guess we can move on to 14 section six, compactness, do you see that? 15 A. I do. 16 Q. Could you read the second 17 paragraph under that section? 18 A. Compactness should be judged in 19 part by the configuration of prior plans. 20 Q. Could you continue? 21 A. Oh, compactness should not be 22 judged based upon any mathematical, 23 statistical or formula-based calculation 24 or determination. 25 Q. So why did the redistricting </p>	Page 84
<p>1 away from that constitutional principle 2 with the larger deviation. 3 Q. Are you familiar with any 4 concerns that were raised about the U.S. 5 census data itself resulting in an 6 undercount? 7 A. Just anecdotal. 8 Q. And when people refer to that 9 concern did they mention how that 10 undercount would affect the minority 11 community? 12 A. I don't specifically recall 13 limited to just minority communities. I 14 mean the suggestion was there's no 15 internet access in rural areas which I 16 mean I can remember people saying that, 17 even the governor has highlighted that and 18 as a consequence we think that there may 19 have been an undercount in terms of the 20 census data. 21 Q. So what did you think of those 22 concerns? 23 A. Obviously there are issues 24 relative to the internet. I don't believe 25 that the census activities however were </p>	Page 83	<p>1 committee specify that compactness should 2 not be based on any mathematical, 3 statistical or formula-based calculation? 4 A. Well, recognizing I think that 5 in South Carolina again as a rural 6 community you may have one district that's 7 a handful of miles from end to end and in 8 other rural parts of the state you may 9 have to stretch an awful long way in order 10 to come up with 41,278 people plus or 11 minus two and a half percent. 12 Q. So then how did you assess this 13 criterion of compactness? 14 A. In -- well, you mean outside of 15 a mathematical formula? To try to look at 16 a district that recognized you might have 17 to have larger boundaries in order to get 18 to the population necessary, but this was 19 not -- well, quite frankly, that you 20 weren't going to have some really strange 21 looking district that wrapped around 22 narrow corridors in order to artificially 23 sort of create an area. 24 I'm -- I guess that's -- you 25 know, sort of in just layman terms, </p>	Page 85

22 (Pages 82 - 85)

<p>1 compactness means trying to keep the area 2 in a shape and size that represents the 3 population numbers that you're trying to 4 get to without having to or without 5 drawing something that looks very abnormal 6 or unusual in doing so.</p> <p>7 Q. Thank you. So now if we can 8 look at section seven, communities of 9 interest. Well, if you don't mind could 10 you please read that first paragraph into 11 the record?</p> <p>12 A. Sure. Communities of interest 13 should be considered in the redistricting 14 process. A variety of factors may 15 contribute to a community of interest 16 including but not limited to the 17 following: Economy, social and cultural, 18 historic influences, political beliefs, 19 voting behavior, government services, 20 commonality of communications, geographic 21 location and features. Communities of 22 interest should be considered and balanced 23 by the redistricting ad hoc committee, the 24 House Judiciary Committee and the South 25 Carolina House of Representatives, county</p>	<p>Page 86</p> <p>1 but or split up those communities of 2 interest, but try to be in looking at the 3 lines that which was approved before, but 4 that also which -- you know, nature 5 barriers are often boundary lines in terms 6 of districts, but commonality of concerns 7 of people within certain areas. You know, 8 in my part of the world everybody is close 9 to the ocean, close to -- everybody in 10 this county in the low country of South 11 Carolina is impacted by certain things in 12 a way that people in inland Jasper, 13 Hampton, Allendale, Bamberg all the way up 14 to Greenville would not have the same 15 types of concerns.</p> <p>16 Q. You mentioned natural 17 boundaries. Could you explain what you 18 mean?</p> <p>19 A. Yes, sometimes rivers, streams, 20 even municipal boundaries are considered. 21 Obviously the ocean and Georgia line are 22 constraints as well.</p> <p>23 Q. Representative Newton, did you 24 see anywhere in this paragraph or 25 throughout the criteria any reference to</p>
<p>1 boundaries, municipality boundaries and 2 precinct lines as represented by the 3 census bureau's tabulation district lines 4 may be considered as evidence of 5 communities of interest to be balanced, 6 but will be given no greater weight as a 7 matter of state policy than other 8 identifiable communities of interest.</p> <p>9 It is possible that competing 10 communities of interest will be identified 11 during the redistricting process although 12 it may not be possible to accommodate all 13 communities of interest, the redistricting 14 ad hoc committee, the House Judiciary 15 Committee and the South Carolina House of 16 Representatives will attempt to 17 accommodate diverse communities of 18 interest to the extent possible.</p> <p>19 Q. Thank you. So how did you 20 resolve instances where there were 21 competing communities of interest?</p> <p>22 A. I don't know that you ever 23 resolve it. I mean you try to do the best 24 that you can in recognizing and not 25 intentionally split up those districts,</p>	<p>Page 87</p> <p>1 the use of highways or roads as a 2 consideration for redistricting?</p> <p>3 A. County boundaries not as I 4 specifically delineated, but -- you know, 5 commonality, government services, I mean 6 you know obviously there may have 7 some -- that may be associated or 8 connected with highway boundaries or 9 roadways.</p> <p>10 Q. Is it possible that highways may 11 have been built in a way that segregated 12 different racial communities?</p> <p>13 MR. MATHIAS: Objection.</p> <p>14 A. I have no idea.</p> <p>15 Q. Okay. I am done with this 16 exhibit and I'm going to enter another 17 exhibit into the record now. Just a 18 moment. Can you let me know if you see 19 the new exhibit?</p> <p>20 A. Is this our schedule of or at 21 least a schedule of public hearings?</p> <p>22 Q. I believe so. Do you recognize 23 it?</p> <p>24 A. I do. I mean it says subject to 25 change. I don't know whether this was the</p>

23 (Pages 86 - 89)

<p>1 final schedule or not, but it looks like 2 it.</p> <p>3 Q. As you look through these 4 different locations for the public 5 hearings does this look familiar?</p> <p>6 A. It does.</p> <p>7 Q. How were these locations chosen 8 for these public hearings?</p> <p>9 A. I wasn't involved in that. I 10 couldn't tell you.</p> <p>11 Q. Do you know --</p> <p>12 A. I would tell you that with 13 regard to Bluffton I made it clear that 14 Bluffton was a centralized location in 15 this part of the low country. You know, 16 not -- I made sure that the judiciary 17 staff were aware of that and in fact 18 suggested that the Bluffton High School 19 would be an appropriate location simply 20 because I don't know how familiar they 21 were or are with Buford County or the 22 greater Bluffton area, but Bluffton is 23 generally recognized as being a fairly 24 center place in the low country not just 25 for Buford Hilton Head the Bluffton area,</p>	Page 90	<p>1 Q. So the -- between the adoption 2 of your criteria for redistricting which 3 we had discussed was updated on August 3, 4 2021, and this first meeting or this first 5 public hearing on September 8th did the 6 redistricting committee create any public 7 education materials about redistricting?</p> <p>8 A. Not that I'm aware of, no.</p> <p>9 Q. During that time did the 10 redistricting committee advertise the 11 hearings?</p> <p>12 A. I'm sure the hearing schedule 13 and hearings were advertised, yes.</p> <p>14 Q. Do you know how so?</p> <p>15 A. I do not. I mean if I would 16 guess they were probably sent to local 17 newspapers, House members been aware, I 18 could have even published a schedule on a 19 Facebook page, but in terms of -- you 20 know, knowing what day a notice may have 21 run in the paper or who it went to or what 22 local government may have put it on their 23 website I don't know that.</p> <p>24 I seem to recall the Island 25 Packet newspaper here having a schedule or</p>	Page 92
<p>1 but also for Jasper area.</p> <p>2 Q. Understood. Thank you. And do 3 you know how these dates and times were 4 chosen?</p> <p>5 A. I do not.</p> <p>6 Q. Do you know who would have made 7 these decisions?</p> <p>8 A. I would guess they were made by 9 Mr. Jordan, Mr. Murphy and probably in 10 concert with counsel; Ms. Dean and 11 Mr. Dennis.</p> <p>12 Q. So looking at these dates does 13 it sound correct to you that September 8th 14 would have been the first public hearing?</p> <p>15 A. I believe so.</p> <p>16 Q. And that the last public hearing 17 would have been on October 4th?</p> <p>18 A. I believe that's correct.</p> <p>19 Q. Does it also sound correct that 20 October 4th, the date of the last public 21 hearing was also the first day that the 22 map room opened?</p> <p>23 A. I think that's correct, yes. I 24 think that it coincided with the public 25 hearings concluding.</p>	Page 91	<p>1 reporting on redistricting activities. My 2 guess would be they made reference to 3 scheduling that.</p> <p>4 Q. Thank you. Do you remember how 5 much advance notice was given to the 6 public when you announced the schedule of 7 public hearings?</p> <p>8 A. I do not.</p> <p>9 Q. Would it surprise you if it were 10 about a week?</p> <p>11 A. No, not necessarily. I mean I 12 know that they were trying to pin 13 locations down and make those 14 coordinations as to when and where a 15 public hearing could be held, but that -- 16 you know, I don't -- if you told me it was 17 three weeks, two weeks, ten days I 18 couldn't question it one way or the other. 19 I just don't know.</p> <p>20 Q. And did you offer a virtual 21 testimony option at all of these public 22 hearings?</p> <p>23 A. I don't believe at all of them, 24 no. There were virtual options that were 25 held from Columbia.</p>	Page 93

24 (Pages 90 - 93)

<p>1 Q. And initially only one of these 2 hearings was scheduled to have that 3 virtual testimony option; is that correct? 4 A. I remember that there was 5 another one that was added, but I don't 6 know whether it was intended to just be a 7 virtual or another in-person. You know, 8 we were still holding open public 9 hearings. Some people would come, some 10 people obviously expressed concerns about 11 COVID so I know that there were another 12 one or another meeting on the schedule. 13 Whether that was originally intended, but 14 had not been identified as one of the 15 public hearings. That I don't know. I 16 wasn't in charge of that. I was told 17 where to be and what day and I was there. 18 Q. So you don't know why virtual 19 testimony options were not offered at all 20 the public hearings? 21 A. Well, no, I don't. I mean I 22 would perhaps speculate that in some 23 locations trying to coordinate that might 24 have been more difficult, but if you were 25 going to do it virtually it would beg the</p>	Page 94	<p>1 Q. Does the legislature utilize 2 virtual testimony options for other 3 hearings? 4 A. We did during the 5 COVID -- during the pandemic for certain 6 subcommittees or public hearings attended 7 to subcommittee hearings that were virtual 8 options again from the block building in 9 Columbia. 10 Q. You referenced the COVID 11 pandemic so that would have started around 12 March of 2020; is that correct? 13 A. Yeah, and I don't think we 14 started doing any hearings using that 15 stuff until maybe early '21. Could have 16 been the fall of '20, but I don't think 17 so. I mean I -- I think I'm fairly 18 certain of that. 19 I don't think we had 20 the -- either the know how institutionally 21 or flexibility in any of our rules to do 22 so and but obviously we needed to get back 23 to business and there were concerns about 24 having people be exposed and assemble in 25 groups and so we sort of adapted with</p>	Page 96
<p>1 question as to -- you know, what was the 2 need of going out into all the areas of 3 the State. Why not just hold ten virtual 4 hearings in Columbia and call it a day. 5 And so I don't -- I don't. I mean I -- 6 having done virtual hearings both with 7 other activities with the Judiciary 8 Committee and with the oversight committee 9 they were always held, the ones I've been 10 involved with, at the State House block 11 building where we had the capability of 12 doing so. 13 And whether that had an 14 involvement in identifying these locations 15 where we were on the road so to speak and 16 going to the backyards of all the four 17 corners of the State and offering people a 18 way to come to be face to face as well as 19 in the process of offering an opportunity 20 to provide input virtually at some point 21 in the process -- you know, I can't tell 22 you why they -- the -- it was not in every 23 location, but I know that there was 24 virtual options offered as well as the 25 in-person.</p>	Page 95	<p>1 technology and virtual participations with 2 an option that was added. 3 Q. Okay. Thank you. I am about to 4 mark a few more exhibits. It's a series 5 of exhibits that I will just mark -- 6 A. Can I have three minutes while 7 you're doing that? 8 Q. Sure. Sure. 9 MR. MATHIAS: Okay. 10 THE VIDEOGRAPHER: So we're 11 going off the record? 12 MS. YAN: Yes. 13 THE VIDEOGRAPHER: Okay. Sure. 14 Thank you. The time is approximately 15 1:48. We're going off the record. 16 It's the end of media two. 17 (Whereupon, an off-the-record 18 discussion was held.) 19 (Whereupon, a recess was taken.) 20 THE VIDEOGRAPHER: The time is 21 approximately 1:52 p.m. We're back on 22 the record. This is the beginning of 23 media unit three. 24 Q. Representative Newton, do you 25 see four new exhibits in Exhibit Share?</p>	Page 97

25 (Pages 94 - 97)

<p>1 A. Yeah. 4, 5, 6 -- 5, 6, 7, 8. I 2 do.</p> <p>3 Q. Could you please take a look at 4 Exhibit 5?</p> <p>5 A. Yeah. Okay.</p> <p>6 Q. Do you recognize this document?</p> <p>7 A. I do.</p> <p>8 Q. Do you recall reviewing it at 9 some point?</p> <p>10 A. I do.</p> <p>11 Q. Okay. That's all and then 12 Exhibit 6?</p> <p>13 A. An August 30th letter. Is that 14 6?</p> <p>15 Q. Yes.</p> <p>16 A. I do.</p> <p>17 Q. Correct. Do you recall 18 receiving this document?</p> <p>19 A. I do.</p> <p>20 Q. Did you review it at some point?</p> <p>21 A. I did.</p> <p>22 Q. Okay. And Exhibit 7?</p> <p>23 A. August -- excuse me.</p> <p>24 September 27th letter?</p> <p>25 Q. Yes.</p>	Page 98	Page 100
<p>1 A. I recall having seen it and 2 reviewing it at some point and the last 3 one October the 8th.</p> <p>4 Q. Yes, and to clarify that is 5 Exhibit 8?</p> <p>6 A. Exhibit 8, correct.</p> <p>7 Q. You recall receiving this 8 document?</p> <p>9 A. I -- the -- coming to the 10 committee, yes, ma'am.</p> <p>11 Q. And did you review this 12 document?</p> <p>13 A. At the time it would have been 14 submitted, yes, ma'am, as part of the 15 process.</p> <p>16 Q. Okay. All right. Thank you.</p> <p>17 So now moving on to later on in 18 the hearing process. Do you recall when 19 the first hearing was where the 20 redistricting committee had proposed State 21 House maps to consider?</p> <p>22 A. No. I'm thinking about the 23 schedule -- the hearings you just showed 24 me a minute ago. It would have been 25 sometime after that October date, but I</p>	Page 99	Page 101

<p>1 -- this initial draft plan publically when 2 you had a working draft did you share it 3 with anyone else to seek feedback? 4 MR. MATHIAS: Objection. 5 A. I didn't share anything with 6 anybody. I mean it would have been 7 released by the House attendant to our 8 schedule process or Judiciary Committee. 9 Until the ad hoc committee 10 actually met and approved I mean we would 11 not have had something that would have 12 been -- that we would have said or would 13 be described as this is the ad hoc 14 committee's map until the committee itself 15 actually loaded and approved something to 16 then -- and amended it or not to go on to 17 the full Judiciary Committee. 18 Q. Okay. So we had previously 19 discussed the map room and how individual 20 legislatures drew their own proposed 21 district maps. So after that map room 22 process ended what happened next? Who 23 oversaw the process of combining the maps 24 or aggregating them? 25 A. I wouldn't know. Not me. I</p>	<p>Page 102</p> <p>1 the activity. Those were pieces of the 2 mosaic which were put together in the 3 puzzle and then there were the puzzle 4 pushed out, however, printed out, 5 whatever, for the entire committee who 6 then looked at that and if my recall is 7 correct made amendments or modifications 8 however procedurally and then made a 9 recommendation to the judiciary. 10 So there were -- I mean never 11 did the ad hoc committee meet in the map 12 room and say let's move this line or that 13 line or this line. That was all 14 done -- our meetings were all done as part 15 of our published transparent whatever 16 televised process. 17 Q. So as far as the people who did 18 work on combining the maps can you provide 19 their names? 20 MR. MATHIAS: Objection. 21 A. Again, I wouldn't know. I mean 22 I would think it would have been Thomas 23 who I was working with. The demographer 24 who Mr. Bamberg and I who at least as 25 representatives of that committee worked</p>
<p>1 mean I would have guessed it would have 2 been the chairman of the redistricting 3 committee and the demographers and counsel 4 of saying -- you know, now we need to 5 amalgamate all this discussion and move 6 forward with a schedule process to get 7 this in front of the committee. 8 Q. So you mentioned the chairman 9 and for the record who is that? 10 A. I'm sorry. The chairman of the 11 ad hoc committee would have been 12 Mr. Jordan and then the chairman of the 13 Judiciary Committee is Chris Murphy. 14 Q. So you were also a member of the 15 ad hoc committee, correct? 16 A. I was. Yes, ma'am. 17 Q. But you were not involved in the 18 aggregation process to form the statewide 19 map? 20 A. Well, we were -- as I mentioned 21 earlier Representative Bamberg and I were 22 involved in looking at our area of the 23 state if you will. That sort of I-95 area 24 mid to low country come up further in, but 25 no. There were -- we had our input into</p>	<p>Page 103</p> <p>1 with. It would have been any other staff 2 that would have been in there and helping 3 work the computer program and legal 4 counsel. So I mean I -- I mean I could 5 say all 124, but I mean obviously there 6 were 124 or as many as House members 7 participated, but I know you didn't take 8 124 individual maps and they all perfectly 9 lined up. 10 So I mean obviously work was 11 broken up done in regions and then those 12 regions had to be sort of pushed together 13 and a product printed and produced for the 14 ad hoc committee to take a look at and 15 then advance a drawing or a map. 16 Q. So the 124 legislators who came 17 and drew their proposed maps, were they 18 notified about the status of their 19 proposed maps? 20 A. They would have been notified of 21 the process so I mean I don't know that 22 they would have received individual 23 communication -- you know, hey, we 24 adjusted Elm Street in your district 25 because again they would have provided</p>

27 (Pages 102 - 105)

<p>1 input. That input would have been looked 2 at in the -- on sort of a regional-type 3 basis then and a statewide basis 4 production of a map of all 124 to look at, 5 comment on and ultimately vote on.</p> <p>6 Q. So what happened to proposed 7 maps that were submitted by members of the 8 public?</p> <p>9 MR. MATHIAS: Objection.</p> <p>10 Q. Did any of those proposed maps 11 by members of the public influence your 12 proposed maps?</p> <p>13 A. The only map I individually 14 proposed was district 120 -- 120. The 15 proposed maps would have been, I'm 16 assuming, individual members of the ad hoc 17 committee saw those maps, reviewed those 18 maps, compared those maps to what was 19 moving forward through the committee work 20 process and then ultimately were 21 influenced or not a vote of all of the 22 members of the body one way or the other.</p> <p>23 So I can't speak to how other 24 people may or may not have used that 25 information or reviewed it, but presumably</p>	<p>Page 106</p> <p>1 than I think it was the first week of 2 December just because I was absent with 3 illness when it was approved, but I was 4 obviously through the ad hoc committee 5 process and the committee process. So 6 late last fall, October to December is the 7 time frame I think you're talking about 8 now.</p> <p>9 Q. Are you referring to the time it 10 took after the individual legislators drew 11 their proposed maps --</p> <p>12 A. Yes. General time frame as to 13 when that map room opened and the process 14 started to the point that the Judiciary 15 Committee had a recommendation for the 16 House.</p> <p>17 So I think your question was do 18 you know how much time there was. I 19 don't. I don't know whether it was three 20 weeks or four weeks or two weeks of those 21 particular. I just -- it was in that 22 October/November time frame and the public 23 hearings had been -- you know the process 24 started in August. Census numbers come 25 out public hearings and sort of that</p>
<p>1 they saw it and perhaps looked to see what 2 that did or didn't do relative to what was 3 being proposed by the committee.</p> <p>4 Q. Thank you.</p> <p>5 A. I mean we had some level of 6 discussion at the committee about some of 7 those maps and had -- and we talked 8 through some comparisons about some of 9 those proposals had fewer minority 10 majority districts than others. I can't 11 recall at which one of those public 12 meetings that the ad hoc committee had, 13 but we had a level of discussion of 14 comparisons of what those proposals looked 15 like versus what was -- we were working on 16 and was moving through the process.</p> <p>17 Q. So going back to the process of 18 putting the maps together, how long did 19 this take?</p> <p>20 A. You know, I think we've honed in 21 on one of the -- it was early October when 22 the process or late September spot, the 23 map room opened. I'm not even sure I can 24 tell you the day when this thing was 25 finally approved on the House floor other</p>	<p>Page 107</p> <p>1 September/early October time frame map 2 rooms opened in that area and then final 3 approval on the House was I think that 4 first week of December.</p> <p>5 Q. So after the individual 6 districts were combined into a statewide 7 draft map and sent to the ad hoc 8 redistricting committee how long did it 9 take for you to assess this map before 10 presenting it publically?</p> <p>11 MR. MATHIAS: Objection.</p> <p>12 A. I don't -- I'm not sure that I 13 know what that time frame is. That 14 map -- my recall is that map was released 15 to everybody as part of the meeting 16 notification and then we had the meeting 17 sometime thereafter that, a handful of 18 days perhaps.</p> <p>19 Q. Okay. I think would it work to 20 take a short break and we can go off the 21 record to discuss this?</p> <p>22 THE VIDEOGRAPHER: Okay.</p> <p>23 Without objection we're going off the 24 record at 2:10 p.m.</p> <p>25 (Whereupon, an off-the-record</p>

28 (Pages 106 - 109)

<p>1 discussion was held.) 2 (Whereupon, a recess was taken.) 3 THE VIDEOGRAPHER: And the time 4 is approximately 2:27 p.m. We're back 5 on the record. 6 MS. YAN: Thank you. 7 Q. So Representative Newton, we 8 spoke about the map room process and how 9 individual legislators propose their 10 districts. To the extent there were 11 disagreements would legislators 12 communicate with each other about their 13 disagreements? 14 MR. MATHIAS: Objection. 15 A. I assume so. I mean obviously 16 there were individual House members who 17 came to the hearing process and the 18 committee process and who may have voiced 19 their concerns or objections to members of 20 the Judiciary Committee or the ad hoc or 21 presumably at the House. I wouldn't know 22 the day it was finally approved. 23 Q. And would any -- would 24 legislators be able to make one-on-one 25 deals with each other regarding disputes</p>	Page 110	<p>1 were there to talk about and look at 2 regional approaches. Individuals could 3 have offered adjustments, modifications to 4 their maps or to the extent they were 5 there. As I mentioned I think the 6 Greenville delegation or multiple members 7 of the Greenville delegation came in 8 together so they could have talked to 9 Thomas and others about their lines and 10 how that looked, but they would not have 11 been there to talk about lines beyond the 12 districts that they themselves would have 13 been involved with. 14 Q. And did you speak much with 15 Thomas Hauger? 16 A. I mean just during those 17 occasions when I was in the map room. 18 Q. To the extent that legislators 19 might have input to provide to Thomas 20 Hauger or other map drawers was there a 21 process or how to communicate with the map 22 drawers? 23 A. I'm assuming in their individual 24 sessions when members of the legislature 25 went in to look at their lines, new</p>	Page 112
<p>1 for districts? 2 MR. MATHIAS: Objection. 3 A. I don't know necessarily what 4 a -- I mean if members of a delegation 5 went in together whether it was two 6 members or four members or six members and 7 were looking at lines that affected both 8 of them I suspect I mean they would have 9 suggested as part of their suggestions to 10 the process that would be what the lines 11 look like. 12 Now, was that what was finally 13 approved. Did it have some level of 14 potential adjust, it may have. So I don't 15 know that outside of the formal process of 16 the committee being involved that any two 17 members could have gone in together and 18 said let's you and I just decide to do X, 19 Y and Z without it being part of the 20 overall process. 21 Q. Would legislators have been able 22 to speak with map drawers such as Thomas 23 Hauger about their ideas for how to 24 aggregate districts? 25 A. The members of the committee</p>	Page 111	<p>1 numbers, what they thought could be 2 adjusted or modified with Thomas that 3 would have been their methodology of 4 communicating. I mean I'm unaware of any 5 other way they would have perhaps 6 communicated. 7 Q. So these would have been 8 in-person meetings with Thomas or other 9 map drawers? 10 A. Yeah, I was a member of the 11 committee and was not made aware if there 12 was another way to communicate with him. 13 My communications were when I was in the 14 map room so I'm assuming that's the same 15 for everybody. Certainly everybody else 16 on the committee and I know that the 17 process was opened to the individual 18 members to come in and meet as well. 19 Q. Thank you. So I'll direct you 20 now to another exhibit. Can you let me 21 know if you see Exhibit 9 marked? 22 A. Garber Court Reporting? 23 Q. Yes. That's correct? 24 A. Okay. November 10th ad hoc 25 committee. Okay.</p>	Page 113

29 (Pages 110 - 113)

<p>1 Q. Yes. Do you recognize this 2 document?</p> <p>3 A. I've never seen it before, but I 4 mean I can tell you what the title says.</p> <p>5 Q. Well, I will represent that I 6 got this document from the South Carolina 7 legislature's page with transcript from 8 the ad hoc committee meeting.</p> <p>9 A. Okay.</p> <p>10 Q. So again the date is 11 November 10, 2021. Were you at this 12 meeting?</p> <p>13 A. I think I was, yeah.</p> <p>14 Q. If I could direct you to page 15 23. Let me know when you're there.</p> <p>16 A. Okay. I'm at 23.</p> <p>17 Q. So you've previously referred to 18 the maps from the previous round of 19 redistricting which were pre-cleared under 20 the Voting Rights Act; is that correct?</p> <p>21 A. Yes, ma'am. And they were the 22 subject of three or four lawsuits. So 23 they were challenged and upheld.</p> <p>24 Q. So do you see on this page 25 Representative King where he begins</p>	Page 114	<p>1 the matter. Thank you.</p> <p>2 Q. Thank you. And Representative 3 Newton, do you know what Representative 4 King is referring to when he discusses 5 combined or collapsed districts?</p> <p>6 A. I understand the concept.</p> <p>7 Without reading this whole transcript I 8 wouldn't be able to identify what 9 districts you're talking about.</p> <p>10 Q. Okay. Well, let me direct you 11 then to page 152 and just let me know when 12 you've gotten there.</p> <p>13 A. Sorry. I'm getting there.</p> <p>14 Q. No problem.</p> <p>15 A. Okay. 152.</p> <p>16 Q. Great. So this -- if you scroll 17 up a few pages you'll see that this is 18 Representative Govan speaking.</p> <p>19 A. Okay.</p> <p>20 Q. So here and -- okay. Beginning 21 at the bottom of page 152.</p> <p>22 A. Okay.</p> <p>23 Q. He -- I guess could you please 24 read into the record beginning -- well, 25 beginning at line 14 on page 152 and then</p>	Page 116
<p>1 speaking?</p> <p>2 A. I do.</p> <p>3 Q. Could you please read his 4 portion into the record?</p> <p>5 A. On page 23. I appreciate you 6 all accepting my testimony. I previously 7 submitted these statements and I would 8 like to resubmit these statements back to 9 you all and my other concern is as we have 10 collapsed some four or five districts and 11 you stated earlier in your written 12 statement that you read that we had a 13 blueprint to go by. The blueprint 14 safeguarded our minority districts and in 15 this map that you all have done that will 16 be submitted to the full committee has 17 collapsed a few minority districts or 18 combined those districts.</p> <p>19 And so I would hope you all 20 would look at if that blueprint that you 21 spoke of earlier had we still had to go 22 through pre-clearance those districts 23 would not have been combined or collapsed 24 and so I would like for you all to take 25 that into consideration as you finalize</p>	Page 115	<p>1 down to line 15 of the next page so about 2 one page?</p> <p>3 A. So it was really with very deep 4 concern and regret in which we found this 5 out that this district which existed along 6 the original districts that were created 7 the first that provided for the first 8 African Americans to be elected to the 9 South Carolina general assembly since 10 reconstruction in terms of single member 11 district lines.</p> <p>12 There were a couple of people 13 that were elected in '72 that this map 14 basically eliminated one of the original 15 districts. So with all due respect -- you 16 know, I think that Representative Newton 17 my good friend alluded to earlier when he 18 was addressing a question by one of the 19 presenters here was talking about the 20 draft that y'all had put on the table 21 basically was approved under the most 22 rigorous pass of criteria, et cetera, and 23 guidelines.</p> <p>24 I was just taken aback by the 25 fact that a district that was created and</p>	Page 117

30 (Pages 114 - 117)

<p>1 has been in existence since 1974 was 2 completely removed off the map and 3 assigned to the Mount Pleasant Charleston 4 area of the State as South Carolina -- or 5 the State of South Carolina and that it 6 had been divided as community of interest 7 had been divided amongst three rural 8 areas, actually four rural areas and that 9 Orangeburg County had been split up like a 10 pie.</p> <p>11 Q. Thank you, Representative 12 Newton. Does this help refresh your 13 recollection about the collapsed districts 14 that you referred to?</p> <p>15 A. So in the area of the State 16 you're talking about was the Orangeburg 17 area in general, correct?</p> <p>18 Q. So that's one of them, but does 19 it sound familiar that the other districts 20 you're talking about that was moved to the 21 Charleston area that that was in Richland 22 in the last cycle?</p> <p>23 A. Yeah, I mean I thought what he 24 was talking about here was the Orangeburg 25 area, but I understand the context now</p>	Page 118	<p>1 So Representative Newton, if I 2 can direct you back now to the bottom of 3 page 23 again.</p> <p>4 A. Yes, unfortunately I got scroll 5 all the way back through. There's no way 6 to get directly to it.</p> <p>7 Q. Sorry about that.</p> <p>8 A. No, that's all right. All 9 right. Go ahead. I'm there now.</p> <p>10 Q. So you see your name at the 11 bottom of that page?</p> <p>12 A. I do.</p> <p>13 Q. And you -- going to the next 14 page you are talking about majority 15 minority districts; is that correct?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. So I guess what is your 18 understanding of the term majority 19 minority district?</p> <p>20 A. That minority majority district 21 or majority minority district or however 22 you want to say them. The language here 23 talks about minority majority district and 24 it means the majority of the population 25 is -- are a minority. So that in essence</p>	Page 120
<p>1 that we're talking about so tell me what 2 the question is.</p> <p>3 Q. So the question is: If you 4 refer to these previous maps being upheld 5 or pre-cleared wouldn't the -- wouldn't 6 the collapse of a district or the complete 7 moving of a district to a completely 8 different area of the State significantly 9 change that map?</p> <p>10 A. Well, obviously -- I mean any 11 adjustment in the lines change the map, 12 but if the population isn't there 13 to -- because of growth to support an 14 equal size district it doesn't matter what 15 the previous map looked like. You don't 16 have enough numbers.</p> <p>17 I mean if your population has 18 shifted in this state which it has and is 19 continuing to do along the coast at 41,000 20 some odd you may have had enough 21 population to have four districts ten 22 years ago, but not enough to have four 23 today.</p> <p>24 Q. And just to confirm -- well, no. 25 I'll withdraw that.</p>	Page 119	<p>1 a minority member can be elected with a 2 majority of that population in that 3 district.</p> <p>4 Q. And do you know is this a term 5 that comes up in the context of section 6 two of the Voting Rights Act?</p> <p>7 A. I don't know where the specific 8 legal reference from the term comes from. 9 It's a term that I have been familiar with 10 since my first exposure to any 11 redistricting reapportionment and the 12 whole notion that we talked about earlier 13 today of retrogression and natural 14 retrogression and intentional 15 retrogression.</p> <p>16 Q. I guess coming back to section 17 two of the Voting Rights Act are you 18 familiar with it?</p> <p>19 A. I'm certainly not an expert, no.</p> <p>20 Q. Isn't that when you talk about 21 retrogression?</p> <p>22 A. Yeah, I'm just -- I'm not going 23 to hold myself out as an expert of the 24 law. I mean generally under the concepts 25 of criteria we looked at this morning</p>	Page 121

<p>1 intentionally diluting a minority's 2 representation is inappropriate and 3 illegal whether it's a precise provision 4 of section two of the Voting Rights Act, 5 but, yes.</p> <p>6 Q. So do you know if the Voting 7 Rights Act imposes any requirements 8 regarding any drawing of majority and 9 minority districts?</p> <p>10 MR. MATHIAS: Objection.</p> <p>11 A. I don't know if it imposes any 12 specific requirements, no, but I know that 13 if you -- I'm comfortable that if we drew 14 districts intended purely to dilute that 15 population as opposed to natural 16 population shifts that that is against the 17 law.</p> <p>18 Q. So and going back to the 19 redistricting guidelines that we had 20 looked at, one of the criterion is to 21 comply with federal law including the 22 Voting Rights Act, correct?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. So how do you as the legislature 25 conduct an assessment of whether you are</p>	Page 122	<p>1 there is an intentional effort to dilute 2 that ability of having a minority majority 3 district that that's against the law and 4 we may not be in the pre-clearance 5 requirements anymore, but I'm comfortable 6 that if in the process of drawing these 7 lines we had intentionally said well, 8 we're not going to do that because of that 9 racial community then the challenge would 10 look a lot different than it is today and 11 that's why I say it's not a color blind 12 process.</p> <p>13 I think one of our responsibilities 14 I think the law requires that we are to 15 try to the greatest extent we can to 16 protect those minority majority districts.</p> <p>17 I mean I don't think anybody has 18 suggested that intentional retrogression 19 is now okay regardless of what has 20 happened with pre-clearance.</p> <p>21 Q. So you've listed an instance of 22 intentional retrogression that would be a 23 violation of the Voting Rights Act, but 24 beyond that how do you assess whether you 25 are affirmatively complying with the</p>	Page 124
<p>1 complying with the Voting Rights Act?</p> <p>2 A. One, we rely on the input of 3 counsel to us as we're doing that, but I'm 4 confident that we all could agree that if 5 we took the district from the last go 6 around and intentionally diluted the 7 minority participation and representation 8 in each of those districts that is against 9 the law. And so to as much as we might 10 like it to be this is not a color blind 11 process.</p> <p>12 So protecting the minority 13 communities and their ability to elect a 14 person of their choosing, one of their 15 peers, to office is one of the 16 requirements I believe of the 17 reapportionment and redistricting process 18 and the law.</p> <p>19 Q. So is your understanding that 20 compliance with the Voting Rights Act 21 focuses solely on intent?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Does it look at anything else?</p> <p>24 A. Yeah. But I also believe that 25 if there is -- if there is an effort -- if</p>	Page 123	<p>1 Voting Rights Act?</p> <p>2 MR. MATHIAS: Objection.</p> <p>3 A. Try to develop the maps in 4 accordance with the guidelines 5 with -- based on the new change and 6 population numbers that have existed. You 7 know, I've mentioned earlier and we've 8 discussed we deferred to the lines that 9 previously had been approved to the extent 10 that they were still there.</p> <p>11 Q. Representative Newton, are you 12 familiar with the term effective minority 13 opportunity districts?</p> <p>14 A. I am. I don't think that's 15 minority majority, but it's getting close 16 to that level.</p> <p>17 Q. Could you elaborate on your 18 understanding of what an opportunity 19 district would be?</p> <p>20 A. While it may not be a majority 21 of the minority population in that 22 district there would still be an 23 opportunity for a minority to get elected.</p> <p>24 It's not -- the district is so not 25 lopsided in one way or the other that it</p>	Page 125

<p>1 would be impossible or unlikely for a 2 minority to get elected in that particular 3 district.</p> <p>4 Q. And in South Carolina in these 5 districts do you know what that level 6 would be -- well, I'll rephrase. Does a 7 House district need to be drawn at a 8 certain black voting age population 9 percentage for voters to be able to elect 10 a candidate of their choice?</p> <p>11 MR. MATHIAS: Objection.</p> <p>12 A. No, not necessarily. I mean I 13 think -- obviously it's -- the ideal 14 district is 41,278 and both of those terms 15 have a meaning that can be applied with 16 that population.</p> <p>17 Q. And just to clarify, so with 18 black voting age population I'm talking 19 about what percent of the overall voting 20 age population is black? So did you --</p> <p>21 A. Well, obviously majority 22 minority of BVAP is what you're talking 23 about would be more than 50 percent.</p> <p>24 Q. Have you conducted any 25 assessments of what BVAP percentage in</p>	Page 126	Page 128
<p>1 South Carolina would lead to -- would be 2 considered an opportunity district?</p> <p>3 MR. MATHIAS: Objection.</p> <p>4 A. Not -- I've not done any 5 independent research, no. Obviously in 6 the course of developing our district 7 those demographic numbers correspond to 8 the lines and the district map.</p> <p>9 Q. Okay.</p> <p>10 A. I mean if you're asking me is an 11 opportunity district less than 50, but 12 more than 35 I don't know that -- if there 13 is a mathematical percentage assigned to 14 that, but obviously it's something perhaps 15 less than 50, but more than 25 or 16 30 percent. Maybe it would be as high as 17 40 or 45 percent.</p> <p>18 Q. So to figure this out did you 19 review any data, did you review voter 20 participation rates for example.</p> <p>21 A. No. Not voter participation 22 rates.</p> <p>23 Q. Did you review data about 24 cohesion among different racial groups of 25 voters?</p>	Page 127	Page 129

<p>1 getting the census data late put us in a 2 position where we were -- we couldn't do 3 it fast enough and if we were doing it at 4 the pace in which we were doing others 5 criticized us for doing it too fast and 6 not getting it done. So I'm familiar with 7 the term, but we did not do that. 8 Q. So just to clarify for the 9 record, did you not conduct any racially 10 polarized voting analyses? 11 A. I did not and I'm unfamiliar 12 that the ad hoc committee did any sort of 13 that activity as well. 14 Q. You mentioned earlier that 15 because of the Voting Rights Act the 16 redistricting process is not a color blind 17 process; is that correct? 18 A. Yes, ma'am. 19 Q. So if you were not -- if you did 20 not do any racially polarized voting 21 analyses and just looked at previous 22 district lines, population changes 23 how -- what do you mean when you say it 24 was not color blind -- 25 A. Obviously the census data gives</p>	<p>Page 130</p> <p>1 blind. 2 Obviously and that ties to the 3 concept of I think intentional 4 retrogression. You know, we went back in 5 my experience as chairman of County 6 Counsel. I mean we went from a point in 7 time where the demographics in Buford 8 County changed dramatically in terms of 9 the minority representation on the 11 10 single members districts on County Counsel 11 purely because the population was growing 12 with folks moving here from elsewhere and 13 so that's an issue that during my tenure 14 in public office I'm mindful of and I 15 think as a requirement as to part of the 16 process. 17 So -- you know, there's probably 18 a fancier term you can put on it, but in 19 simple terms saying it's not color blind 20 ties directly to the notion of intentional 21 retrogression, but in drawing these 22 districts we've got to be mindful on 23 what's happening to those minority 24 districts because I know that if we were 25 not mindful of that and the result was the</p>
<p>1 us racial information, right? I mean we 2 talked about BVAP. We talked about 3 population. I mean that's the information 4 that comes from the census data. 5 Q. Right. So how did you use that 6 then if it was not a color blind process? 7 A. Obviously in drawing my district 8 in looking at the growth that I had in my 9 district and knowing that I needed to shed 10 people if you will or change the lines, 11 excuse me, district 120, my district, I 12 was mindful of what those modifications 13 looked like to minority representatives 14 that were adjacent to my district lines. 15 If that population was moved to 16 the district that is currently 17 Representative Shedron Williams or was 18 Representative Michael Rivers versus 19 representative Shannon Erickson what that 20 was doing to their population numbers. So 21 I was mindful of the diluted effect that 22 it may have on their African American 23 minority population on those two gentlemen 24 that I just spoke of district. So that's 25 what I mean in terms of not being color</p>	<p>Page 131</p> <p>1 population could have gone to this 2 district and it would not have made an 3 impact in what was not a minority majority 4 district, but instead we put in the 5 minority majority district for purpose of 6 diluting that so that it was no longer a 7 minority majority district that that is 8 inappropriate and illegal. 9 Q. Thank you, Representative 10 Newton. So you mentioned that you 11 do -- you had considered BVAP in terms of 12 what that would look like and please 13 correct me if I'm misstating, but in other 14 districts or in your district and the 15 black population numbers; is that correct? 16 A. It is, yeah. 17 Q. But if you did not conduct any 18 kind of racialized -- racially, excuse me, 19 polarized voting analyses or performance 20 analyses how did you know what numbers of 21 black voters? Like what was an 22 appropriate number? 23 A. Again we're looking at census 24 numbers and the black voting age 25 population numbers. So I mean I</p>

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<p>1 understand your suggestion. We didn't do 2 that kind of analysis. We used the data 3 from the census which is the same 4 information in the redistricting processes 5 that I've been through both at the county 6 level that which the State -- I mean and 7 that -- on those two cycles my experience 8 now in the House of Representatives and 9 there was none of that kind of analysis 10 conducted by the court when as an early 11 member of the House Jasper County had 12 never redistricted the school. I mean 13 there was no suggestion that the court who 14 then redrew the districts was conducting 15 something other than the use of the census 16 data in drawing and establishing the lines 17 for the school districts in Jasper County. 18 So I understand that that 19 information might be useful, but it's not 20 information that I've been exposed to 21 during the -- my involvement with 22 redistricting and reapportionment. 23 Q. Understood. Thank you. Did you 24 or the legislature reach out to any black 25 or other minority groups to get more input</p>	<p>Page 134</p> <p>1 be collapsed. 2 Q. So how did you consider the 3 racial make up of those districts that 4 could have been collapsed? 5 A. I mean obviously looking at the 6 minority majority numbers that were in 7 those areas and the population, but I mean 8 just quite simply we discussed the 9 population numbers of where we were in 10 those districts in the old lines, what 11 they looked like and quite frankly the 12 optics of what particular collapses would 13 look like. 14 For instance, Mr. Hosie is one 15 of the African American members of the 16 general assembly, a highly decorated 17 veteran. I mean when you look at that 18 area there were no good solutions because 19 of the population growth being elsewhere 20 and -- you know, Representative Govan and 21 Representative Cobb-Hunter are two of some 22 of the longest serving African Americans 23 in the House. 24 It was described and sort of 25 talked about and you could see that Justin</p>
<p>1 as to whether -- I guess as to what would 2 dilute their vote? 3 A. Obviously I can't speak to what 4 123 other people may or may not have done. 5 I'm not aware of any organized effort from 6 the committee that only went to one 7 particular segment or group of the 8 population versus others. Obviously the 9 public hearings were notified and 10 announced for everybody to participate -- 11 you know, in the challenges that existed 12 in the Orangeburg area. Obviously I was 13 with Representative Bamberg and in -- you 14 know, we were talking about those 15 districts being one of the areas where 16 there was a collapse earlier -- you know, 17 obviously I sought his guidance and 18 thoughts as being the representative in 19 that area and quite frankly I watched him 20 labor significantly over what the 21 population numbers dictated and how 22 he -- and what those collapses would look 23 like including the racial -- the race of 24 those individuals that would be in those 25 districts that could have been combined to</p>	<p>Page 135</p> <p>Page 136</p> <p>1 toiled over. He would leave the map room 2 and get his phone and go call members from 3 the House from that area and come back in 4 and work more on the maps and leave and 5 come back and I mean he was trying to find 6 the best solution of a problem that didn't 7 have any great solutions because of where 8 it was in the State and because of the 9 lack of population growth. 10 Q. Okay. Thank you, Representative 11 Newton. Sort of a general question, would 12 you agree that assessing compliance with 13 the Voting Rights Act involves a fact 14 intensive analysis? 15 MR. MATHIAS: Objection. 16 A. I'm not sure again what's 17 necessarily meant by fact intensive 18 analysis. You know, I can look back to my 19 experience dating back to the over 20 20 years in reapportionment redistricting 21 processes both by the legislative branch 22 at the local level at the State level, but 23 also by the judicial branch and the 24 information that was available to the 25 judicial branch is no different than the</p>

<p>1 information that was utilized and used in 2 the processes that I've been involved with 3 which is the census data information. 4 So -- you know, probably in a 5 perfect world more information can always 6 help do certain things, but that also begs 7 the question of luxury of time and 8 again -- you know, you can probably always 9 use more information. The information 10 that I've been involved with is from the 11 census data and quite frankly if it was 12 deficient information with or without 13 pre-clearance still being required I would 14 have thought that the federal district 15 court when they drew the lines for the 16 Jasper County schools would have said that 17 information is lacking and that kind of 18 analysis must be conducted in order for us 19 to move forward with drawing these lines. 20 Q. Are you referring to the 21 pre-clearance process? 22 A. The voting analysis data that 23 you're talking about is what I'm referring 24 to. 25 Your question ultimately was do</p>	<p>Page 138</p> <p>1 it the House map that ultimately came 2 forward and was approved? 3 Q. Yes. 4 A. Okay. So am I familiar with the 5 map that was ultimately approved, I am. 6 I'm familiar. That was what we 7 recommended out of judiciary. As I 8 mentioned I was not at -- in the House of 9 Representatives when it was voted on 10 finally in the House floor. I had just 11 been discharged or was being discharged 12 from the hospital that day for an accident 13 that -- a choking incident that I was 14 involved with a few days prior so I was 15 not in the House chamber when that HB 16 whatever the redistricting map that was 17 finally approved was adopted. 18 Q. Understood and sorry to hear 19 about your choking incident and glad to 20 see that you're doing well. 21 A. Thank you. 22 Q. So for the -- I guess to the 23 extent that you know having not been there 24 for the whole process do you know if there 25 were proposed amendments to the initial</p> <p>Page 140</p>
<p>1 I think it's a fact intensive process and 2 my response to you is, yes, the 3 information that I have been exposed to is 4 census data information. You can always 5 get more analysis or more data of some 6 kind. I would never say that that's not a 7 good thing. I just don't know that that 8 information is necessarily required in 9 this process and certainly from my history 10 and involvement in reapportionment and 11 redistricting including the exposure to 12 the federal district court drawing lines 13 none of that type information was involved 14 in those previous activities. 15 Q. Okay. Thank you, Representative 16 Newton. So just a few more questions. 17 So I guess going back to the 18 proposed maps and just to clarify, are you 19 familiar with HB4493? 20 A. That number doesn't mean 21 anything to me unfortunately. If you tell 22 me what it is I'll respond. 23 Q. Does it sound like it could be 24 the -- 25 A. It's a House Bill number, but is</p>	<p>Page 139</p> <p>1 draft plan? 2 A. On the House floor? I mean 3 there were amendments obviously in the 4 committee subcommittee process. 5 Q. Yes. Yes. But on the House 6 floor? 7 A. I don't. I tried to cut it on 8 on the radio and my wife would not allow 9 it. I mean I had heard that there were 10 amendments that were attempted or offered 11 I think that there may have been some 12 minor adjustments that were made, but I 13 did not try to go back and analyze those 14 in any sort of detail. 15 Q. Understood. So going back to 16 when the draft maps were still in the 17 committee you mentioned there were 18 amendments offered then? 19 A. To my recall, yes, but I don't 20 know that I can give you any of the 21 specifics about that. 22 Q. Do you remember generally what 23 kind of research went into coming up with 24 these proposed amendments? 25 A. Without looking at the documents</p> <p>Page 141</p>

<p>1 in front of me without looking at the 2 potential amendments, no. I don't -- I 3 wouldn't be able to answer that, no. 4 Q. Did you offer any amendments? 5 A. I don't think so. You know, I 6 have no recall of offering one, but if you 7 told me hey, by the way you offered a 8 technical amendment that did X, Y and Z I 9 wouldn't disagree with you, but I don't 10 believe I did. No, ma'am. 11 Q. And I guess during this process 12 in committee offering amendments before 13 bringing the map to the House floor was 14 anyone else consulted regarding the 15 amendments other than the legislators? 16 A. Not that I'm aware of. Now -- 17 you know, obviously counsel both for the 18 committee and outside counsel were 19 involved in discussions about the process 20 and the way that these amendments, the 21 effect of what these amendments may have. 22 Q. But no one else? 23 A. Not to my knowledge. I 24 certainly didn't, but not to my knowledge. 25 Q. Was this a process? Was it a</p>	Page 142	<p>1 the record. This is the beginning of 2 media four. 3 MS. YAN: So no further 4 questions from me at the moment. I 5 just want to note for the record that 6 we would like to reserve the right to 7 potentially hold open the deposition 8 pending some potential 9 productions -- forthcoming 10 productions, discovery orders so just 11 noting that for the record. Thank 12 you. 13 MR. MATHIAS: Thank you, 14 Patricia. Andrew Mathias on behalf of 15 the House defendants. At this time we 16 don't agree that the deposition will 17 be reopened, but obviously changes in 18 circumstance that you've described 19 we'll address those issues when they 20 arise. 21 EXAMINATION 22 BY MR. MATHIAS: 23 Q. Mr. Newton, is your job as a 24 representative a part-time job? 25 A. It is.</p>	Page 144
<p>1 back and forth process with the 2 demographers? 3 A. Well, I mean I had three or four 4 sessions in the map room. That was the 5 extent of my interaction with him. 6 Q. Did the demographers attend any 7 of the meetings of the committee? 8 A. I don't believe so. I mean they 9 could have been back somewhere in the 10 audience, but, no. Not to my knowledge. 11 Q. I think that may be about it for 12 me sorry. If you could just give me one 13 moment. 14 A. Sure. 15 THE VIDEOGRAPHER: You want to 16 go off the record? 17 MS. YAN: Yes, that would be 18 great. Thank you. 19 THE VIDEOGRAPHER: Okay. Thanks 20 everyone. The time is 3:18. We're 21 going off the record. 22 (Whereupon, an off-the-record 23 discussion was held.) 24 THE VIDEOGRAPHER: The time is 25 approximately 3:19 p.m. We're back on</p>	Page 143	<p>1 Q. And you have another full-time 2 job; is that right? 3 A. I do, yes. 4 Q. Notwithstanding the fact that 5 this is a part-time job have you ever 6 looked at how much you would -- how much 7 you get paid per hour as a Representative? 8 A. I would be afraid to do so and 9 what my wife might say. 10 Q. Okay. And so as a part-time 11 Representative in South Carolina you -- is 12 it true that you rely upon committee and 13 House staff to do certain work on your 14 behalf and give you guidance? 15 A. Absolutely. 16 Q. Is it true that they most likely 17 if not certainly do work and analysis to 18 support you in your job that you are 19 unaware of? 20 A. Of course, yes. 21 Q. So just because you didn't 22 conduct certain analysis does not mean 23 that that analysis was not conducted? 24 A. That's correct. 25 Q. In the redistricting process you</p>	Page 145

<p>1 mentioned a map room and how there were 2 other people in there. You noted that I 3 guess the suggestion there were interns 4 in -- working in that room you did not 5 think that was true.</p> <p>6 A. I mean there were people in 7 there that I did not recognize. Quite 8 frankly I thought that they were folks 9 that worked with outside counsel. So I 10 recognize the Judiciary Committee lawyers 11 that were in there, I recognize the staff 12 person Thomas that was working with me, 13 there were some other faces in there, but 14 I didn't ask who are you. I believe that 15 they were outside counsel clerks.</p> <p>16 Q. But if I or someone else were to 17 tell you that they were in fact 18 temporarily hired interns would that 19 surprise you --</p> <p>20 A. No, it wouldn't surprise me. If 21 they were folks that worked for the 22 Judiciary Committee or worked for outside 23 counsel that wouldn't surprise me.</p> <p>24 Q. Okay. And the individuals who 25 the members sat down at the computer who</p>	<p>Page 146</p> <p>1 someone tell you Mr. Newton, this is the 2 new district 120, right?</p> <p>3 A. No. Absolutely not.</p> <p>4 Q. Are you aware of the fact that 5 the NAACP has not brought a Voting Rights 6 Act in section two challenge?</p> <p>7 A. I'm not familiar enough with the 8 pleadings to be able to give any level of 9 analysis like that. I mean I quite 10 frankly didn't pay attention to what the 11 various causes of action are.</p> <p>12 Q. Are you aware that the crux of 13 the plaintiff's complaint is an allegation 14 of intentional racial discrimination?</p> <p>15 MS. YAN: Objection.</p> <p>16 A. I would -- am I aware of that? 17 I have not studied the pleadings so I'm 18 not sure that I would say that I have a 19 high level of awareness of the particular 20 challenges that have been raised or 21 specifically identified challenges to our 22 process, but that does not -- I mean 23 that's in keeping with my general 24 understanding.</p> <p>25 Q. Okay. In the redistricting</p>
<p>1 made changes to the maps was that more of 2 a functionary role or was that a decision 3 making role?</p> <p>4 A. Functionary. I mean they didn't 5 make any adjustments in drawing that we 6 didn't ask them to. I mean they would -- 7 you know, that program as you move the 8 mouse and the cursor it moves the lines 9 and then moves all the charts and then you 10 follow the census block and say, okay. 11 Let's go over there and see what that 12 census block. And there's interaction 13 back and forth.</p> <p>14 I mean they would say well -- 15 you know, if you look that census block 16 has 800 people in it and if you're trying 17 to shed to get to an ideal number that's 18 probably a larger one that you might be 19 able to leave out and let's see what 20 happens when you move it over in that 21 district or let's see what happens when 22 you move it over in that district so 23 you're interactive as you're moving the 24 line and the numbers.</p> <p>25 Q. You did not walk in and have</p>	<p>Page 147</p> <p>1 process did you engage in any intentional 2 racial discrimination?</p> <p>3 A. Absolutely not.</p> <p>4 Q. Are you aware of anyone else on 5 the ad hoc committee that engaged in 6 intentional racial discrimination?</p> <p>7 A. Absolutely not and I would be 8 shocked if any member of the committee 9 believed otherwise. I mean -- you know, 10 there were some during the public hearing 11 process that suggested a level of 12 criticism that was not supported by any of 13 the facts or any of the discussion and it 14 was noted by essentially all of us on that 15 committee.</p> <p>16 Q. And final question, had you 17 observed any intentional racial 18 discrimination would you have tolerated 19 it?</p> <p>20 A. No.</p> <p>21 MR. MATHIAS: That's all I got.</p> <p>22 MR. TRAYWICK: Representative 23 Newton, my name is Lisle Traywick and 24 I'm representing Senate defendants. I 25 just wanted to thank you for your time</p>

<p style="text-align: right;">Page 150</p> <p>1 today. I don't have any questions for 2 you.</p> <p>3 THE WITNESS: Thank you.</p> <p>4 THE VIDEOGRAPHER: Okay. Does 5 anybody else?</p> <p>6 MS. TRINKLEY: Jane Trinkley on 7 behalf of the election commission. We 8 have no questions. Thank you, 9 Representative Newton.</p> <p>10 MS. YAN: Representative Newton, 11 if I can just ask a couple quick 12 follow-up questions relating to what 13 you just said?</p> <p>14 THE WITNESS: Sure.</p> <p>15 EXAMINATION</p> <p>16 BY MS. YAN:</p> <p>17 Q. So you mentioned that it's 18 possible that there was analysis conducted 19 that you just didn't know about; is that 20 correct?</p> <p>21 A. Sure. Absolutely. I mean the 22 lawyers could have conducted some level of 23 analysis or the Judiciary Committee 24 counsel could have some level of analysis, 25 yeah.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Okay. All right. Thank you 2 very much, Representative Newton. That's 3 all from me.</p> <p>4 MR. MATHIAS: One final 5 question.</p> <p>6 EXAMINATION</p> <p>7 BY MR. MATHIAS:</p> <p>8 Q. Did you order anyone not to 9 conduct certain analysis?</p> <p>10 A. Absolutely not.</p> <p>11 Q. Thank you.</p> <p>12 THE VIDEOGRAPHER: All right. 13 Thanks everyone. May I close out the 14 deposition for today or does anybody 15 else have any questions?</p> <p>16 All right without objection 17 we're going off the record at 18 3:29 p.m. and this concludes today's 19 testimony given by William Weston J. 20 Newton. The total number of media 21 units used was three, excuse me, four 22 and will be retained by Veritext New 23 York. Thanks everyone.</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. So who would know for sure 2 whether or not the analysis was conducted?</p> <p>3 A. Well, there was no analysis done 4 that was given to the committee as a whole 5 either the ad hoc committee or the 6 Judiciary Committee. I guess the lawyers 7 could have received information that the 8 judiciary staff prepared, but or 9 conducted, but I'm unaware of that.</p> <p>10 Q. Okay.</p> <p>11 A. You're asking me a question of 12 who would be aware of what I know nothing 13 about so I can't answer that question is 14 probably the most accurate response.</p> <p>15 Could it have been done, sure. Was it 16 done, was it provided to me on either the 17 ad hoc committee or the full committee, 18 no.</p> <p>19 Q. So it was not conducted in any 20 kind of -- on any kind of official basis; 21 is that correct?</p> <p>22 MR. MATHIAS: Objection.</p> <p>23 A. Not that any official basis that 24 was shared with me or with my ad hoc 25 committee or the committee.</p>	<p style="text-align: right;">Page 153</p> <p>1 I have read the foregoing transcript 2 of my deposition, and find it to be 3 true and accurate to the best of my 4 knowledge and belief.</p> <p>5</p> <p>6</p> <p>7</p> <p>8 WM. WESTON J. NEWTON</p> <p>9</p> <p>10 Sworn and subscribed to before me, 11 On this _____ day 12 of _____ 2022.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 Notary _____</p> <p>17 My Commission Expires _____</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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4	CONFERENCE OF THE NAACP, et al. -v-			
5	THOMAS C. ALEXANDER, et al.			
6	DATE OF DEPOSITION: APRIL 13, 2022			
7	WITNESS' NAME: WM. WESTON J. NEWTON			
8	PAGE/LINE(S)/ CHANGE REASON			
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20	WM. WESTON J. NEWTON			
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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